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**STAFF REPORT**

Date: December 6, 2023

To: Governing Board

From: TRPA Staff

Subject: Discussion and possible action of the Phase 2 Housing Amendments, including proposed changes to Code of Ordinances Chapters 1, 13, 30, 31, 34, 36, 37, 52, and 90; and changes to the Regional Plan Goals and Policies, Land Use and Housing Sections; that would only apply to projects applying for deed-restricted bonus units.

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**Summary and Staff Recommendation:**

TRPA staff, Advisory Planning Commission, and Regional Plan Committee recommend that the Governing Board adopt amendments to the TRPA Code of Ordinances Chapters 1, 13, 30, 31, 34, 36, 37, 52, and 90; and to the Regional Plan Goals and Policies, Land Use and Housing Sections. The amendments assist in achieving Regional Plan housing, transportation, and water quality goals. The recommendations are based on a financial feasibility analysis, input from the Tahoe Living Working Group, the Local Government and Housing Committee, the Regional Plan Committee, the Governing Board, and community members.

**Required Motions:**

In order to act on the proposed amendment package, the Governing Board should make the following motions:

1. A motion to adopt the required findings (Attachment A), including a finding of no significant effect, for the adoption of amendments to the Code of Ordinances Chapters 1, 13, 30, 31, 34, 36, 37, 52, and 90; and changes to the Regional Plan Goals and Policies, Land Use and Housing Sections; that will only apply to projects applying for deed-restricted bonus units.
2. A motion to adopt Ordinance 2023-\_\_ (Attachment D), amending Ordinance 2021-03, as amended, for the adoption of amendments to the Regional Plan Goals and Policies, Land Use and Housing Sections; that will only apply to projects applying for deed-restricted bonus units to the TRPA Governing Board.
3. A motion to adopt Ordinance 2023-\_\_ (Attachment C), amending Ordinance 87-9, as amended, for the adoption of amendments to the TRPA Code of Ordinances Chapters 1, 13, 30, 31, 34, 36, 37, 52, and 90; that will only apply to projects applying for deed-restricted bonus units to the TRPA Governing Board.

An affirmative vote of 4 votes from each state is required for these motions to pass.

37, 52, and 90; that will only apply to projects applying for deed-restricted bonus units to the TRPA Governing Board.

An affirmative vote of 4 votes from each state is required for these motions to pass.

Advisory Planning Commission (APC) Direction:

At the November 8, 2023 meeting, the APC recommended adoption of the amendments to the Regional Plan and Code of Ordinances to the Governing Board on a 10 to 2 vote. The APC also voted to recommend that the IEC be returned if significant changes were made (staff changes to the IEC are not significant).

Regional Plan Committee (RPC) Direction:

At the November 15, 2023 meeting, the RPC recommended adoption (5 ayes and 1 abstention) of the amendments to the Regional Plan and Code of Ordinances to the Governing Board with minor changes and clarifications.

Summary:

Like many mountain towns in the west, the Tahoe Region is suffering from a crisis of affordability. The lack of affordable housing impacts the region's ability to maintain environmental thresholds and achieve the housing, water quality, and transportation goals, among others, outlined in the Regional Plan. TRPA's analysis shows that current residential development standards often inhibit the ability to build more than one unit on a lot with a positive return on investment.

Under the direction of the Governing Board, TRPA staff have spent the larger part of 2023 developing a proposal to modify development standards (height, coverage, density, and parking) for deed restricted housing which would accelerate construction of the remaining 946 bonus units in and close to town centers, jobs, grocery stores, transit, and services to reduce the requirement for every person to drive a personal vehicle. Encouraging the remaining bonus units to be built as more dense development in already dense areas both reduces the cost to build each unit and helps meet the housing, transportation, and water quality goals of the Regional Plan. The proposal is grounded in increasing financial feasibility for deed-restricted affordable, moderate, and achievable housing in the basin. This proposal will not change the overall growth caps that were analyzed and authorized in the 1987 and 2012 Regional Plans. More background information on this item can be found in the [November APC packet](#) and the [November RPC packet](#).

Discussion:

The Phase 2 Housing Amendments are based on input from the Tahoe Living Working Group, the Local Government and Housing Committee, the Regional Plan Committee, the TRPA Governing Board, public, stakeholders and consultant analyses and recommendations. The proposal will apply in three areas within the basin where concentration of development is encouraged by the Regional Plan: 1) in Centers (a collective term for town centers, the Regional Center, and the High-Density Tourist District); and 2) in areas currently zoned for multi-family housing; and 3) within the bonus unit boundary.<sup>1</sup> Within these

<sup>1</sup> A map of Centers, areas zoned for multi-family housing, and the bonus unit boundary can be found [here](#). The Bonus Unit Boundary is the area within ½ mile of transit, ½ mile of town centers, and areas that allow for multi-family residential housing within the Tahoe Basin. Parcels receiving TRPA bonus units must be within the Bonus Unit Boundary.

three areas, the allowable height, coverage, density, and parking standards, specifically for deed restricted housing units being constructed with residential bonus units, will change to encourage the development of housing that meets Regional Plan goals. Deed restricted housing that receives TRPA bonus units is limited to households that meet [TRPA income or employment requirements](#) (affordable, moderate, or achievable units) and are monitored by a third party consultant on an annual basis. Deed restricted housing cannot be used for short term rentals.

The amendments will not change the remaining development potential available under the 2012 Regional Plan. The remaining development potential available under the 2012 Regional Plan and forecast to be built out by 2045 includes approximately 3,525 residential units,<sup>2</sup> units that are already allowed to be built regardless of the Phase 2 housing amendments. Nearly a quarter of these residential units (approximately 946) are reserved as “residential bonus units,” meaning they take the place of a residential unit of use and must be assigned to residential units that are deed-restricted affordable, moderate, or achievable, as described in more detail above.

### ***Phase 2 Proposal in Centers***

The Phase 2 housing amendments will allow for higher density, height, and coverage and reduced parking in centers, as shown below, for deed restricted residential or mixed-use developments with 100 percent deed-restricted housing (see more details on mixed-use, below). For specific details on the proposal, see Attachment A, Draft Regional Plan and Code Language. The following amendments to region-wide development standards are proposed in centers:

- **Remove maximum density standards** to encourage development with smaller, more affordable units. This does not mean that larger units cannot be built, but rather leaves that choice to the developer. Region-wide residential growth limits remain in place.
- **Allow nine feet additional height for a total of 65 feet.** Buildings must be stepped back one foot for every foot above 56 feet (providing an approximately 45-degree angle for the top story) and will be required to incorporate design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with Design Review Guidelines. Projects will be required to submit a shade analysis demonstrating that the building is designed to minimize shade on adjacent roads and structures between 10:00 a.m. to 2:00 p.m. on December 21. Additionally, projects will need to meet TRPA findings that ensure the project is consistent with scenic requirements, minimizes obstruction of existing views, will not cause a building to extend above the forest canopy or a ridgeline, and ensure the building is consistent with surrounding uses. Last, projects are subject to the discretionary processes already established in each jurisdiction.
- **Remove one-size fits all parking requirements.** The proposal will mandate that local jurisdictions cannot require deed-restricted developments to adhere to parking minimums in Centers. However, in order to deviate from parking minimums, the applicant will be required to

<sup>2</sup> There are approximately 946 residential bonus units which are not assigned to permitted projects and 1,650 residential allocations remaining. Once these units have been built, residential units can be converted from existing tourist accommodation units (TAUs) or commercial floor area (CFA).

identify the anticipated parking demand from the project through a parking analysis or information from similarly situated projects, and demonstrate either that adequate parking will be provided, or that the project will implement solutions like shared parking agreements, implementation of car sharing, or contributions to alternative transportation options. TRPA anticipates completing a basin-wide parking study in 2024.

- **Allow coverage above 70 percent on high capability lands when the development builds or contributes to an existing area-wide stormwater treatment system.**<sup>3</sup> Area-wide stormwater treatments (i.e. area-wide systems) provide an alternative to onsite parcel-level best management practices (BMPs), freeing up more of the site for housing units. Land coverage transfers and water quality fees will still be required for coverage over base allowable. To transfer in coverage above 70 percent, the project may not construct any parking spaces above the parking minimums set by local or state standards, except when required to meet Americans with Disabilities Act requirements or to provide parking for bicycles.

Centers	
Existing TRPA Code	Proposed TRPA Code Deed restricted housing only
<b>Maximum Density:</b> 25 units/acre	<b>Maximum Density:</b> No maximum
<b>Maximum Coverage:</b> 70%	<b>Maximum Coverage:</b> No maximum (with stormwater treatment system)
<b>Maximum Height:</b> 56 feet	<b>Maximum Height:</b> 65 feet
<b>Parking:</b> Local jurisdiction standards apply (1-2 spaces per unit)	<b>Parking:</b> Allow project to provide alternative strategies to meet parking demand (with parking analysis)

Figure 1: Summary of the Phase 2 Housing proposal in centers.

#### **Phase 2 Proposal in Multi-family Zones within the Bonus Unit Boundary**

The Phase 2 housing amendments will apply in areas that are already zoned for multi-family, where much of the region’s de facto affordable and workforce housing already exists, but where it is challenging to build multi-family today given existing standards and the smaller lot sizes in many of these areas. These are areas that communities have already designated as appropriate for denser

<sup>3</sup> A map of existing and proposed area-wide treatments can be found [here](#). “Active” status indicates an areawide treatment that is currently working to treat stormwater runoff, while a “constructed” status means the areawide treatment is in place but has not yet been hooked up to treat stormwater runoff. As shown on the map, areas where the additional coverage incentives can be applied are currently limited but are expected to increase over time.

housing development, as they are within walking distance to transit, town centers, or services. These areas are the most likely to see the loss of parcels zoned for multi-family as they convert to single-family due to the limits of current development standards. The proposal will incentivize smaller scale multi-family such as duplexes, triplexes and small multiplexes in these areas. For specific details on the proposal, see Attachment B, Draft Regional Plan and Code Language.

- **Remove maximum density standards** to encourage development with smaller, more affordable units. This does not mean that larger units cannot be built, but rather leaves that choice to the developer. Region-wide residential growth limits remain in place.
- **Allow more height for shallower roof pitches.** Current height standards are based on parcel slope and proposed roof pitch. More height is allowed when a steeper roof pitch is proposed; and less height is allowed when a shallower roof pitch is proposed. The proposal will allow roof pitches between 3:12 to 9:12 to utilize the height shown for a 10:12 roof pitch in table 37.4.1 of the TRPA Code of Ordinances. This will encourage smaller attic spaces that will result in more energy-efficiency (i.e., less unused space will need to be heated or cooled) with more livable space on the top floor. The proposal will also require buildings to incorporate design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with Design Review Guidelines.
- **Reduce the amount of parking that local jurisdictions can require to 0.75 spaces per unit, on average.** The proposal will reduce parking minimums for deed-restricted housing to no more than 0.75 spaces per unit, on average. However, in order to deviate from existing parking minimums, the applicant will be required to identify the anticipated parking demand from the project through a parking analysis or information from similarly situated projects, and demonstrate either that adequate parking will be provided, or that the project will implement solutions like shared parking agreements, implementation of car sharing, or contributions to alternative transportation options.
- **Allow coverage up to 70 percent on high capability lands when the development builds or contributes to an area-wide stormwater treatment or treats all stormwater runoff onsite and has a local jurisdiction maintenance commitment.** The proposal will allow coverage up to 70 percent with participation in a stormwater collection and treatment system (consistent with the Centers coverage proposal, above) that is owned and operated by a public entity,<sup>4</sup> or, if treatment is provided onsite through BMPs, a public entity with a sustainable funding source is responsible for onsite system maintenance. Land coverage transfers and water quality fees will still be required. Alternatives to these mitigation requirements are anticipated to be analyzed in Phase 3 of the Tahoe Living Strategic Priority. To transfer in coverage above the base allowable

<sup>4</sup> A map of existing and proposed area-wide treatments can be found [here](#). “Active” status indicates an areawide treatment that is currently working to treat stormwater runoff, while a “constructed” status means the areawide treatment is in place but has not yet been hooked up to treat stormwater runoff. As shown on the map, areas where the additional coverage incentives can be applied are currently limited but are expected to increase over time. TRPA will update this map as local jurisdictions identify locations where they can commit to BMP maintenance on individual parcels.

coverage, the project shall not construct any parking spaces above the parking minimums set by local or state standards, except when required to meet Americans with Disabilities Act requirements or to provide parking for bicycles.

- **Create transition zones between centers and multi-family areas.** Parcels that are zoned for multi-family and that are adjacent and contiguous to existing Center boundaries will be allowed an additional 11 feet of height, beyond what is permitted in Table 37.4.1. Buildings must be stepped back one foot for every foot above what is permitted in Table 37.4.1 and will be required to incorporate design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with Design Review Guidelines (see Attachment B for detailed amendment language). Projects will be required to submit a shade analysis demonstrating that the building is designed to minimize shade on adjacent roads and structures between 10:00 a.m. to 2:00 p.m. on December 21. Additionally, projects will need to meet TRPA findings that ensure the project is consistent with scenic requirements, minimizes obstruction of existing views, will not cause a building to extend above the forest canopy or a ridgeline and ensure the building is consistent with surrounding uses. Last, projects are subject to discretionary design review processes applicable in each jurisdiction.

Areas Zoned Multi-Family within the Bonus Unit Boundary	
Existing TRPA Code	Proposed TRPA Code Deed restricted housing only
<b>Maximum Density:</b> 15 units/acre	<b>Maximum Density:</b> No maximum
<b>Maximum Coverage:</b> 30%	<b>Maximum Coverage:</b> 70% (with stormwater treatment system)
<b>Maximum Height:</b> 3 stories	<b>Maximum Height:</b> <ul style="list-style-type: none"><li>• Additional height for shallower roof pitch</li><li>• Additional 11' for parcels adjacent to town centers</li></ul>
<b>Parking:</b> Local jurisdiction standards apply (1-2 spaces per unit)	<b>Parking:</b> Allow parking reduction to .75 spaces/unit on average (with parking analysis)

Figure 2: Summary of the Phase 2 Housing proposal in areas zoned multi-family within the bonus unit boundary.

#### **Phase 2 Proposal for Mixed-Use Developments and Accessory Dwelling Units**

Certain elements of the proposal will also apply to some mixed-use developments and accessory dwelling units (ADUs). Given the goal of activating streetscapes in town centers and building more walkable communities, the recommendation is to allow the coverage, height, and density incentives in this proposal to apply to mixed use development if 100 percent of the residential units within the

development are deed-restricted and no more than 50 percent of the total floor area is commercial. Within centers, property owners can transfer up to 1,200 square feet of coverage for the ADU(s). In areas zoned multi-family deed restricted ADUs in Bailey land capability districts 4-7 or on parcels with a buildable IPES score will be eligible to transfer in up to 1,200 square feet or up to 70 percent of the project area, whichever is less. The additional coverage can be used for only the deed-restricted portion of the parcel, including decks and walkways associated with the ADU, but not parking. The proposal does not include changes to height allowances for ADUs.

#### Advisory Planning Commission (APC)

The Advisory Planning Commission passed a recommendation for approval of the proposal to the Governing Board on November 8, 2023. In addition, the APC also approved a motion requesting that if the Initial Environmental Checklist (IEC) is substantially changed that it be brought to APC prior to Governing Board consideration. No significant revisions, nor any revisions that would alter the finding of no significant effect, were made to Attachment A, Exhibit 1, the IEC.

In addition, one APC member requested that staff distribute answers to frequently asked questions (FAQs) about the proposal with the Governing Board packet. The response to FAQs is included as Attachment G.

#### Regional Planning Committee (RPC)

On November 15, 2023, the RPC passed a recommendation for approval of the proposal to the Governing Board with the following clarifications and changes:

##### RPC Recommendations:

1. **Implementation:** Add further clarification on how the Phase 2 Amendments will be implemented by TRPA and local jurisdictions. See *Implementation* section below for more information.
2. **Public Safety & Evacuation:** Further address what TRPA and partner agencies are doing to address evacuation and public safety in the staff report and IEC. See *Public Safety and Evacuation* section below for more information.
3. **Achievable Definition:** Revise definition of “Achievable Housing” to include stricter local employment requirements to ensure workers who do not need to be physically present for employment within the Tahoe Region or Truckee Tahoe Unified School District will not qualify. See *Bonus Unit Requirements and Compliance* section below for more information and staff recommendation.
4. **Building Size and Compatibility:** In December, include an explanation of how building size and neighborhood compatibility are either already taken into account, or a recommendation for how it can be considered. See *Building Size and Compatibility* below.
5. **Deed Restriction Enforcement:** Clarify the funding strategy for enforcement. See *Bonus Unit Requirements and Compliance* section below for more information.
6. **Sustainable funding for BMPs:** Add code language that ensures local jurisdictions have a sustainable funding source for ongoing monitoring and enforcement of private BMPs. See Attachment B, Summary of Regional Plan and Code Amendments/Rationale for more information.



7. Address the League to Save Lake Tahoe proposed edits from their letter into the IEC regarding limiting analysis to these amendments, with suggestions from TRPA staff. See the IEC in Attachment A, Exhibit 1 for more information.
8. Fix typos and clarifications to the draft Regional Plan and Code of Ordinance language as identified at the RPC meeting.

While the RPC asked questions and heard comments on various other elements of the proposal, such as allowing additional height on parcels in transition zones, and allowing private BMPs to be installed to treat the runoff from the additional coverage in multi-family zones when operated or maintained by a public entity, they did not give staff direction to revise or remove any other parts of the proposal.

### *Implementation*

The 2012 Regional Plan update allowed local jurisdictions to develop area plans that implement Regional Plan policies with greater flexibility at the community level. Since 2012, there have been six area plans adopted throughout the region. Some of the area plans set their own development standards for centers and areas zoned for multi-family, while others refer to the TRPA Code. For example, most area plans set height and density limits and defer to the TRPA Code for coverage limits in town centers. In all cases, parking standards are set by the local jurisdiction, either in area plans or general plans.

If approved, changes to the TRPA Code will go into effect 60 days after adoption. Where area plans defer to the TRPA Code, the changes will be effective 60 days after Governing Board approval. For standards that are set in area plans, and inconsistent following Governing Board adoption of these amendments, the local jurisdiction will have one year to amend their area plan to demonstrate conformity with TRPA standards, consistent with TRPA Code section 13.6.7 or make alternative amendments as described below. If inconsistent standards have not been amended in the area plan within one year, TRPA can assume lead agency authority to amend the applicable policies and provisions. To prevent projects from using the coverage and height incentives prior to density and parking allowances being activated, coverage and height incentives will only be available for projects in areas with no density maximums or parking minimums per code, unless alternative density maximums and parking minimums have been adopted through the alternative amendment process described below. In areas where local jurisdictions defer to TRPA standards, such as the City of South Lake Tahoe and Washoe County, the amendments would go into effect within 60 days.

Local jurisdictions can set alternative height, density, and parking standards from what is proposed in Phase 2 through an area plan amendment. However, TRPA will require that any changes to the standards holistically consider the financial impact the alternatives have on building deed-restricted housing in their jurisdiction. If the jurisdiction is reducing density or height standards, or increasing parking requirements, they will need to show reasonable alternative strategies that either reduce the cost to build or provide subsidies to deed restricted units. These alternatives can include, but are not limited to, an approved inclusionary housing ordinance, zoning additional areas for multi-family, providing donated land or other public subsidies, and/or installation of area-wide stormwater systems in preferred affordable and workforce housing areas.

### *Public Safety & Evacuation*

Multiple members of the public have raised concerns about safety and evacuation in response to the Phase 2 Housing Amendments and other proposals in the Lake Tahoe Basin. The RPC asked staff to



provide clarification on the role that law enforcement and fire protection organizations and TRPA play in addressing these concerns and the current status of TRPA's efforts.

The US Department of Homeland Security *National Response Framework*<sup>5</sup> guides how the Nation, states, tribal and local governments prepare for and respond to disasters and emergencies using scalable, flexible, and adaptable concepts embedded in the National Incident Management System (NIMS). NIMS prescribes the use of the Incident Command System (ICS) to align key roles and responsibilities for incidents that are purely local to those that are catastrophic and national in scope. "Most incidents begin and end locally and are managed and executed at the local or tribal level. Incidents require a unified response from local agencies, the private sector, tribes, and NGOs. Some may require additional support from neighboring jurisdictions or state governments. A smaller number of incidents require federal support."<sup>6</sup> This same approach is used in the Tahoe region.

TRPA does not have a role in the ICS during incidents but is involved with the law enforcement and fire protection organizations in the Basin through the coordinated efforts of the Multi-Agency Coordinating Group (MAC), Tahoe Fire and Fuels Team (TFFT), and Fire Public Information Team (Fire PIT). Recently, these groups have begun more robust coordination efforts regarding a variety of evacuation-related priorities. The MAC is currently holding regular coordination meetings with law enforcement agencies to discuss evacuation planning and needs. The TFFT, FirePIT, and MAC are currently focused on updating the Community Wildfire Protection Plans (CWPPs) for the Tahoe Basin. These plans are collaborative, community-driven frameworks that outline local priorities for wildfire risk mitigation. The 2024 Tahoe Basin CWPP update will include priority projects related to infrastructure protection, wildland-urban interface treatments, evacuation corridor protection, and strategic fuel breaks. Additionally, the TFFT continues to identify strategies to successfully complete the Tahoe Forest Action Plan that outlines 22,000 acres of priority treatments in the WUI. Once complete, this will represent initial entry into all wildland urban interface acreage in the Basin. In tandem, the FirePIT will be focusing on how to incorporate evacuation preparedness and prescribed fire messaging into the 2024 Communication Strategy.

As requested by the law enforcement and fire protection organization representatives at the July 2023 TRPA Governing Board meeting, TRPA is focusing on emergency communications and transportation planning. Specifically, this includes establishing an improved communications system that can be used during incidents, especially to reach populations that may need assistance with transportation, and prioritizing forest thinning projects along identified evacuation routes. The Environmental Improvement Department is leading this agency-wide effort within TRPA and has applied for a State of California PROTECT grant to increase the funding available for emergency communications and transportation planning.

As part of the 2012 Regional Plan environmental review, TRPA conducted an analysis of wildfire risk and its impact on emergency evacuation, considering the amount of growth forecast for the region. This amendment does not propose additional growth, but rather encourages the remaining bonus units to be built in and near centers. As such, the amendments do not exacerbate previously identified wildfire risk from the buildout development of new residential housing. Risk of wildfire is inherently less in centers and areas zoned for multi-family because these locations are further from the wildland-urban interface,

<sup>5</sup> See <https://www.epa.gov/emergency-response/national-response-framework-nrf>.

<sup>6</sup> See page 6 of the National Response Framework for a more detailed explanation.

and there is more defensible space and pavement. New housing developments are subject to fire marshal approval and local building standards that incorporate best practices and materials for home hardening to help withstand fire.

#### *Bonus Unit Requirements and Compliance*

TRPA has a compliance program in place that monitors and ensures that deed restricted homes are occupied by a household that meets the requirements of the deed restriction language. The program includes annual compliance reporting and auditing, disclosure forms that require both the buyer and seller to sign when the unit changes ownership, as well as the deed restriction itself that is recorded on the title of the property and remains in perpetuity. In April of 2023, when the TRPA Regional Plan Implementation Committee (now the Regional Plan Committee) recommended approval of updates to the “achievable” definition, the Committee specified that “funding for enforcement should be included with the next large housing incentive amendment package to come forward.” In response to this, staff had previously recommended inclusion of a \$50 fee per residential unit as part of the application process to allow all new residential development to help cover the cost of monitoring and enforcement of deed-restrictions as an interim measure before a more sustainable funding source can be developed through Phase 3 of the Tahoe Living Strategic Priority.

Since recommending this fee in an earlier iteration of the proposal, however, several things have changed. Over the next two years, TRPA has dedicated \$40,000 in general funds to hire a housing consultant to certify the deed-restriction compliance monitoring and audit, and to make recommendations for program improvement based on best practices. TRPA has also hired a new planner in the Regional Planning Department with a primary task of overseeing the deed-restriction monitoring program. In addition, TRPA is actively recruiting an attorney who will add additional enforcement capacity to the agency. Over the next two years as part of Phase 3 of the Tahoe Living Strategic Priority, TRPA anticipates being able to use these first two years of fully funded compliance monitoring and enforcement experience to assess the cost of a long-term program, which will inform the development of a longer-term, sustainable funding source for monitoring and enforcement that will not be just a one-time fee tied to project applications. Thus, at this time TRPA has removed the fee on new residential projects from the proposal as it is not needed. TRPA will revisit the fee in Phase 3.

#### *Building Size and Compatibility*

At the RPC meeting, the committee discussed how projects would be reviewed for size, scale, and style. There are several ways that projects are already reviewed for these elements, including in existing findings, and existing local design requirements. For instance, the City of South Lake Tahoe already has design review standards for multi-family developments that specify that these projects must conform to a certain style such as “mountain modern.” Also, there are existing height findings in Chapter 37 of the Code of Ordinances that require that projects that utilize additional height be consistent with surrounding uses and do not incur loss to scenic resources. While these findings partially address size, staff also recommends that any project applicant that wishes to reserve bonus units for an “achievable” project must submit, with their application, a description of the proposed residential unit sizes and how those sizes compare to the sizes of other existing affordable, moderate, or achievable units in the Tahoe Region. In cases where proposed unit sizes deviate significantly from existing sizes, staff may request additional documentation verifying the rationale for larger units. The requirement for documentation of size and size compatibility would be included in the multi-family application form.

### Outreach

Public outreach on the Phase 2 Housing Amendments was a focus for staff throughout the summer and fall of 2023. Staff presented to or attended over 27 community events, including farmers markets, social service and community events, and local community groups and boards. On September 19<sup>th</sup>, TRPA staff hosted a public webinar to present an overview and field questions on the proposal. The webinar hosted over eighty participants and more than 100 questions and comments were received on the proposal. A full list of questions received during the webinar and answers can be found [here](#). Finally, TRPA released a Flashvote survey in late September to collect a group of statistically valid responses from the public within 48 hours. The results of the Flashvote survey are available [here](#), including write-in responses. Note that only the results from the “member panel” are statistically significant. In addition, there were eight publicly noticed meetings with presentations where input was provided. These included meetings of the Tahoe Living Working Group, the Advisory Planning Commission, the Local Government and Housing Committee, the Regional Planning Committee, and the Governing Board

The community input has highlighted the broad range of perspectives on the proposal; some that prefer the policy changes to be larger in scope and some that think it should be smaller or focused on other strategies altogether. As noted above, staff have worked to address concerns in the current proposal about preserving community character, mitigating parking demand, and ensuring that deed restricted housing units are providing housing to those who need it.

### Environmental Review & Regional Plan Compliance

TRPA staff, along with consultant assistance from Hauge Brueck, analyzed the potential environmental effects of the recommended changes of the Phase 2 housing amendments through an Initial Environmental Checklist (IEC), environmental findings and a finding of no significant effect (FONSE), and a compliance measures evaluation. The IEC, originally posted on October 11, 2023 on the [TRPA website](#), is a stand-alone document that determines whether there are anticipated environmental impacts of the policy changes. To assist local jurisdictions in future area plan amendment processes, staff have included responses to CEQA questions in the IEC. Following the RPC meeting in November, staff updated the Project Description section to reflect the updated proposal and made minor clarifications to Section 1: Land, Section 3: Water Quality, and Section 10: Risk of Upset. Changes made to the IEC following October 11 are shown with changes tracked in Attachment A, Exhibit 1.

The analysis is tiered from the 2012 Regional Plan Environmental Impact Statement and references the 2018 Development Rights Strategic Initiative IEC and FONSE, the 2020 Linking Tahoe: Regional Transportation Plan & Sustainable Communities Strategy IEC and FONSE, the 2021 VMT Threshold Update IEC and FONSE, and the 2021 Phase 1 Housing Amendments IEC and FONSE. Data included in TRPA’s recent Governing Board [presentation](#) on Census demographics was used to support the environmental analysis.

The Phase 2 Housing Amendments propose to modify the 2012 Regional Plan (as previously amended) specific to buildout of the remaining residential bonus units. The IEC evaluates the impacts as compared to the existing 2012 Regional Plan. Impacts arising from development under current policy were already evaluated in the Environmental Impact Statement prepared for the Regional Plan Update and the other environmental analyses listed above. The proposed policy changes would not change overall development caps or growth control programs as analyzed in the 2012 Regional Plan because they

remain in place with no changes. The Phase 2 Housing Amendments are intended to better implement the goals and policies of the Regional Plan, in particular, the housing, transportation, and water quality goals.

Contact Information:

For questions regarding this agenda item, please contact Alyssa Bettinger, Senior Planner, at (775) 589-5301 or [abettinger@trpa.gov](mailto:abettinger@trpa.gov). To submit a written public comment, email [publiccomment@trpa.gov](mailto:publiccomment@trpa.gov) with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.

Attachments:

- A. Environmental Findings & Finding of No Significant Effect (FONSE)
  - Exhibit 1: Initial Environmental Checklist (IEC)
  - Exhibit 2: Compliance Measures Evaluation
- B. Summary of Regional Plan and Code Amendments/Rationale
- C. Adopting Ordinance for Amendments to the TRPA Code of Ordinances
- D. Adopting Ordinance for Amendments to the TRPA Regional Plan Goals and Policies
- E. Regional Plan Amendments Land Use and Housing Sections
- F. Code of Ordinance Amendments Chapters 1, 13, 30, 31, 34, 36, 37, 52, and 90
- G. Frequently Asked Questions on the Phase 2 Housing Amendments
- H. Parking Memo

Attachment A  
Environmental Findings & Finding of No Significant Effect (FONSE)

**REQUIRED FINDINGS & FINDING OF NO SIGNIFICANT EFFECT  
FOR PHASE 2 HOUSING AMENDMENTS TO THE  
TRPA REGIONAL PLAN AND CODE OF ORDINANCES**

This document contains required findings per Chapter 3 and 4 of the TRPA Code of Ordinances for amendments to the TRPA Regional Plan Goals and Policies LU-2.11 and HS-3.1 and TRPA Code of Ordinances Chapters 13, 30, 31, 34, 36, 37, 52, and 90, as part of the Phase 2 Housing Amendments.

Chapter 3 Findings: The following finding must be made based on the information submitted in the Initial Environmental Checklist:

Finding 3.3.2: The proposed amendments could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

Rationale: TRPA staff and Hauge Brueck Associates, a third-party consultant hired to assist with the Phase 2 Housing Amendments, prepared an Initial Environmental Checklist (IEC) pursuant to Article VI of TRPA Rules of Procedure and Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances to evaluate potential environmental effects of the proposed Regional Plan and Code amendments for the Phase 2 Housing Amendments. In accordance with Sections 6.12 of the TRPA Rules of Procedure, the IEC tiered from or referenced the following documents:

- TRPA 2012 Regional Plan Update (RPU) Environmental Impact Statement (EIS);
- 2018 Development Rights Strategic Initiative Initial Environmental Checklist and Finding of No Significant Effect;
- 2020 Linking Tahoe: Regional Transportation Plan & Sustainable Communities Strategy Initial Environmental Checklist and Mitigated Finding of No Significant Effect;
- 2021 Phase 1 Housing Amendments Initial Environmental Checklist; and the
- 2021 Air Quality Threshold Standard (AQ14) Update and Implementation Program (VMT Threshold Update) Initial Environmental Checklist and Finding of No Significant Effect.
- 2035: Regional Transportation Plan/Sustainable Communities Strategy (RTP)

The Regional Plan Update EIS is a program-level environmental document that includes a regional cumulative scale analysis and a framework of mitigation measures that provides a foundation for subsequent environmental review. The proposed amendments to the Regional Plan and TRPA Code of Ordinances would not change overall development caps or growth control programs analyzed in the Regional Plan. As such, the Phase 2 Housing Amendments are an element of the

growth that was anticipated in the 2012 RPU and evaluated in the 2012 RPU EIS.

This IEC evaluates the potential environmental impacts of the proposed amendments with respect to the 2012 RPU EIS to determine what level of additional environmental review, if any, is appropriate. Based on the information contained within the IEC, the proposed amendments would not have a significant effect on the environment and TRPA staff prepared a finding of no significant effect in accordance with TRPA's Rules of Procedure Section 6.6 and Code of Ordinance Section 3.3.2.

These amendments, as described in the staff report, will become part of the Regional Plan. Proposed changes are programmatic and not specific to any site location nor any development project. Future projects will still be subject to environmental review and analysis in accordance with the TRPA Regional Plan.

Finding 4.4.1.A: The proposed amendments are consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Community Plan/Plan Area Statements, the TRPA Code of Ordinances, and other TRPA plans and programs.

Rationale: The proposed amendments are consistent with and will help implement Regional Plan Goals and Policies that encourage the redevelopment of town centers, directing development from more sensitive areas to centers, and encouraging densities and a development pattern that promotes walking, bicycling, and provides a demand for transit. The amendments provide incentives that are targeted at deed-restricted housing for households that make less than 120% Area Median Income (AMI) or work at least 30-hours per week for a local employer, thus increasing housing opportunities in suitable locations for the residents and local workers of the region. In addition to supporting the goals and policies in Area Plans, the amendments would directly support the implementation of the following Regional Plan Goals and Policies:

- LU-1.2 Redeveloping town centers is a high priority.
- LU-3.3 Development is preferred in and directed toward centers.
- LU-4.1 Centers are where sustainable redevelopment is encouraged.
- Goal HS-1 Promote housing opportunities for full-time and seasonal residents and well as workers employed within the region.
- Goal HS-2 To the extent feasible, without compromising the growth management provisions of the Regional Plan, the attainment of threshold goals, and affordable housing incentive programs, moderate income housing will be encouraged in suitable locations for the residents of the region.



- T-1.1 Support mixed-use, transit oriented development, and community revitalization projects that encourage walking, bicycling, and easy access to existing and planned transit stops.

TRPA finds that the amendments are consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Community Plans, Plan Area Statements, the TRPA Code of Ordinances, and other TRPA plans and programs.

Finding 4.4.1.B: The proposed ordinance and rule amendments will not cause the environmental threshold carrying capacities to be exceeded.

Rationale: As demonstrated in the completed IEC, no significant environmental effects were identified as a result of the proposed amendments, and the IEC did not find any thresholds that would be adversely affected or exceeded. As found above, the amendments are consistent with and will help to implement the Regional Plan.

The proposed amendments were evaluated against all adopted threshold compliance measures (see Exhibit B). The amendments to the Regional Plan, Code, and Fees will not negatively impact compliance measures such as Water Quality/SEZ, Air Quality/Transportation, and Scenic compliance measures.

The amendments do not increase the total amount of land coverage region-wide anticipated in the Regional Plan Update. The amendments allow for higher land coverage limits inside of and near town centers but requires additional land coverage to be transferred from equal or more sensitive areas, thus resulting in the relocation of coverage from more sensitive to less sensitive lands.

The amendments incentivize the remaining residential bonus units to be constructed within centers and multi-family zones, closer to employment and service centers, with better connections to transit, sidewalks, and bicycle infrastructure. As described in more detail in the IEC, development of the remaining bonus units in and near centers is assumed to reduce trips, trip length and impact on the region's highway system.

The amendments would allow additional height beyond what was analyzed in the Regional Plan Update. However, to earn the additional proposed height, projects would be required to make scenic resources findings, ensuring that there would be no impacts to the scenic threshold.

As stated above, the amendments do not affect the cumulative accounting of units of use as no additional residential, commercial, tourist or recreation allocations are proposed or allocated as part of this Regional Plan amendment. The amendments do not affect the amount of the remaining capacity available, as the remaining capacity for water supply, sewage collection and treatment, recreation and vehicle miles travelled have been identified and evaluated in the RPU EIS. No changes to the overall capacity are proposed in these amendments.

Finding 4.4.1.C: Wherever federal, state or local air and water quality standards are applicable for the Region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact.

No applicable federal, state or local air and water quality standard will be exceeded by adoption of the amendments. The proposed amendments do not change the Federal, State or local air and water quality standards applicable for the Region. Projects developed under the proposed amendments will meet the strictest applicable air quality standards and implement water quality improvements consistent with TRPA Best Management Practices (BMPs) requirements and the Lake Tahoe Total Maximum Daily Load (TMDL). Federal, State, and local air and water quality standards remain applicable for all parcels in the region, thus ensuring environmental standards will be achieved or maintained pursuant to the Bi-State Compact.

The Regional Plan, as amended, achieves, and maintains the thresholds.

Finding 4.5:

Rationale:

In 2012, TRPA found that the Regional Plan as revised would achieve and maintain thresholds. Those findings are incorporated by reference here. The proposed amendments do not conflict with any Regional Plan provision designed to achieve and maintain thresholds. As discussed in finding 4.4 above, the proposed amendments will improve the implementation of threshold attainment strategies by encouraging environmentally beneficial redevelopment.

Finding 4.6:

To approve any amendment or adoption of the Code, Rules, or other TRPA plans and programs that implement the Regional Plan, TRPA shall find that the Regional Plan and all of its elements, as implemented through the Code, Rules, and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale:

As demonstrated in the IEC and threshold compliance measures table, the Regional Plan and all of its elements, as amended, will achieve and maintain the thresholds. The amendments are anticipated to help accelerate threshold gain in the Transportation and Sustainable Communities threshold and Scenic Threshold by supporting environmental development and redevelopment opportunities in walkable town centers and neighborhoods, and in areas visible from scenic resource areas.

Based on the foregoing: the completion of the IEC; the previously certified RPU EIS, RTP IS/ND/IEC, and the findings made on December 12, 2012 for the RPU, TRPA finds the Regional Plan and all of its elements, as amended by the project achieves and maintains the thresholds. As described above in more detail, the amendments actively promote threshold achievement and maintenance by, *inter alia*, (1) incentivizing environmentally beneficial redevelopment, (2) requiring the installation of Best Management Practices improvements that are monitored and maintained by a local jurisdiction, or contributions to area-wide stormwater treatment for all projects, and (3) requiring conformance with Design Standards that will result in improvements to scenic quality, water quality, and air-quality. In addition, as found in Chapter 4 Findings 1 through 3, no element of the amendments interferes with the efficacy of any of the other elements of the Regional Plan. Thus, the Regional Plan, as amended by the project, will continue to achieve and maintain the thresholds.

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**FINDING OF NO SIGNIFICANT EFFECT**

**Project Description:** Phase 2 Housing Amendments to the TRPA Regional Plan and Code of Ordinances.

**Staff Analysis:** In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 6.6 of the TRPA Rules of Procedure, TRPA staff reviewed the information submitted with the subject project.

**Determination:** Based on the Initial Environmental Checklist, Agency staff found that the subject project will not have a significant effect on the environment.

A handwritten signature in black ink, appearing to read "R. B. Smith", positioned above a horizontal line.

TRPA Executive Director/Designee

12/04/23

Date

Attachment A  
Exhibit 1: Initial Environmental Checklist (IEC)

## **TRPA INITIAL ENVIRONMENTAL CHECKLIST FOR DETERMINATION OF ENVIRONMENTAL IMPACT**

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### **Project Name:**

Phase 2 Housing Amendments – Market Solutions to Encourage Deed-Restricted Affordable and Workforce Housing Development through updates to development standards: height, density, parking and land coverage.

### **Expanded Initial Environmental Checklist:**

This document serves as the TRPA Initial Environmental Checklist for the amendments, with an expanded analysis to include the California Environmental Quality Act (CEQA) Initial Study Checklist. While not required for TRPA action, the expanded analysis and information will support CEQA lead agencies with their own future environmental review of the amendments.

### **Project Location:**

The Tahoe Region within the planning area jurisdiction of the Tahoe Regional Planning Agency.

### **Project Need:**

The 2012 Regional Plan identified a vision of directing development toward walkable, bikeable mixed-use centers, with sufficient workforce housing to support local businesses and to meet the vehicle miles traveled threshold. The plan contains numerous goals related to housing, including goals specific to affordable, moderate-income, and workforce housing in the Housing Subelement, as well as goals in the Public Services and Facilities Element, particularly those related to public safety and the need for critical workers such as emergency services, police, and fire, among others to achieve these goals.

Despite this vision, studies, feedback from local government partners, and community input show the deepening impact of demographic changes on housing affordability in the Tahoe region. As market demand for second homes and high-end units has increased, the local population has declined.<sup>1</sup> Businesses report having increased difficulty recruiting and retaining workers to fill positions, and local surveys show that over 30 percent of workers are commuting into the region for work, contributing to traffic and vehicle emissions that harm the environment.<sup>2</sup>

The median price of a home in Tahoe has tripled in the last 10 years, from \$345,000 in 2012 to \$950,000 in 2021.<sup>3</sup> Common homeownership metrics suggest that purchasing a home at the median price would require a household income in excess of \$300,000. Median household income in Lake Tahoe is around \$72,000 region-wide.<sup>4</sup>

The Tahoe Living Working Group<sup>5</sup> has identified a need to bring down the cost to construct 100 percent deed-restricted affordable, moderate, and achievable housing so that the pool of existing residential bonus units can be

<sup>1</sup> U.S. Census Bureau Decennial Census, Tahoe Region

<sup>2</sup> Tahoe Prosperity Center. *South Shore Region Housing Needs and Opportunities*, October 2019; *Washoe Tahoe Local Employee Housing Needs and Opportunities*, September 2021.

<sup>3</sup> Tahoe Prosperity Center. *Community Report for the Tahoe Region*, March 2022.

<sup>4</sup> U.S. Census Bureau Decennial Census, Tahoe Region

<sup>5</sup> In 2020 the TRPA Governing Board appointed the Tahoe Living Housing and Community Revitalization Working Group as a committee of the Advisory Planning Commission to identify housing actions that TRPA could take to help address the regional housing need.

constructed as soon as possible, providing needed affordable housing. At present, there are approximately 946<sup>6</sup> bonus units remaining that could take advantage of proposed Regional Plan amendments intended to incentivize development of the bonus unit pool.

Most bonus unit projects to-date have drawn units from the “affordable” pool. There remains a need to incentivize construction of the “moderate/achievable” pool of bonus units, and to the extent that housing needs assessment show a remaining need in the “affordable” category, housing in this category should be incentivized as well through this phase of proposed Regional Plan amendments.

## Project Description:

The proposal would apply within three areas in the basin: centers (a collective term for town centers, the Regional Center, and the High-Density Tourist District), areas that are zoned for multi-family housing outside of centers, and within the bonus unit boundary. A map of these locations can be found here: <https://gis.trpa.org/housing/>. The following amendments to region-wide development standards are evaluated for buildout of the remaining 2012 Regional Plan residential bonus units:

### Height:

1. Centers: The proposal would increase the maximum height allowance from 56 feet (maximum of four stories) to 65 feet (no cap on the number of stories) for 100 percent deed-restricted affordable, moderate, or achievable residential or mixed-use developments that utilize bonus units when certain findings can be made. The proposal would require buildings to step back one foot for every foot above the height that is currently permissible in Chapter 37 of the TRPA Code or the applicable local jurisdiction area plan. The project applicant would be required to demonstrate, through a shade analysis, that shading of adjacent roads and buildings is minimized between the hours of 10:00am – 2:00pm on December 21. The project would need to incorporate design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with Design Review Guidelines. Additionally, projects must make height related findings to ensure the building does not extend beyond the forest canopy, fits the character of surrounding uses, and includes articulation.
2. Center transition zones: The proposal would allow an additional 11 feet of height, beyond what is allowed in Table 37.4.1 in the TRPA Code of Ordinances, for 100 percent deed-restricted affordable, moderate, or achievable residential or mixed-use developments that utilize bonus units on parcels outside of centers but adjacent and contiguous to center boundaries. The entirety of the parcel must be within 500 feet of a center boundary. Current height allowances are dependent on parcel slope and proposed roof pitch and allow up to 42 feet. The proposal would require buildings to step back one foot for every foot above what is currently permissible in Table 37.4.1. The project applicant would be required to demonstrate, through a shade analysis, that shading of adjacent roads and buildings is minimized between the hours of 10:00am and 2:00pm on December 21. The project would need to incorporate design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with Design Review Guidelines. Additionally, projects must make height related findings to ensure the building does not extend beyond the forest canopy, fits the character of surrounding uses, and includes articulation.
3. Areas zoned for multi-family housing outside of centers: Current height standards are based on parcel slope and proposed roof pitch. A higher height is allowed when a steeper roof pitch is proposed; and lower height is allowed when a shallower roof pitch is proposed. This proposal would allow 100 percent deed-restricted affordable, moderate, or achievable residential developments that utilize bonus units to use the maximum

<sup>6</sup> As of July 2020 there were 1,126 bonus units remaining under the 2012 Regional Plan. Since then, 11 bonus units have been assigned and constructed for individual permits, 128 have been assigned to the Sugar Pine Village (phase 1A, 2A and East parcel), and 41 have been assigned to the Lake Tahoe Community College dormitory project.



height available for each building site slope category in Code Table 37.4.1 (up to 42 feet), with a minimum 3:12 roof pitch when certain findings are made. This option would require buildings to incorporate design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with Design Review Guidelines.

#### Density:

1. Centers: The proposal would remove maximum density limits of up to 25 units per acre for 100 percent deed-restricted affordable, moderate, or achievable residential or mixed-use developments that utilize bonus units.
2. Areas zoned for multi-family housing outside of centers: The proposal would remove maximum density limits of up to 15 units per acre for 100 percent deed-restricted affordable, moderate, or achievable residential or mixed-use developments that utilize bonus units.

#### Parking:

1. Centers and areas zoned for multi-family outside of centers: Residential and mixed-use developments made up of 100 percent deed-restricted affordable, moderate, or achievable housing in centers may deviate from current local jurisdiction parking minimums down to zero, provided the project submits a parking analysis or information from similarly situated projects showing the anticipated project demand, and demonstrates how the project will meet that demand. Within multi-family areas, projects can reduce parking requirements to .75 spaces per unit, on average, with a parking analysis or other information. Alternative strategies that could meet parking demand include, but are not limited to, shared parking agreements, implementation of car share, unbundling of rent and parking, or contributions to alternative transportation options. These minimums shall preempt inconsistent local jurisdiction's minimum parking requirements however, in order to deviate from existing parking minimums, project applicants must demonstrate that the parking demand generated by their project, measured through a parking study, is met by providing parking spaces and/or through parking management strategies. At present, local jurisdictions require between 1 – 2.1 parking spaces per unit, depending on size.

**Table 1: Existing Local Minimum Parking Requirements in the Tahoe Region**

	Washoe County	City of South Lake Tahoe	Placer County	El Dorado County	Douglas County
<b>Parking Minimums (multi-family residential)</b>	1.6 spaces/ 1 bdrm 2.1 spaces/ 2+ bdrm 1 space must be enclosed	1 space/ 1 bdrm 2 spaces/2+ bdrm 1 guest space/4 units	1 space/1 bdrm, 2 spaces/2+ bdrm	2 spaces/unit	2 spaces/unit

#### Land Coverage:

1. Centers: Allow for land coverage greater than current limits of 70 percent with participation in a stormwater collection and treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity instead of traditional land coverage limits (e.g., land coverage would not be capped at any percentage on high capability lands) for 100 percent deed-restricted affordable, moderate, or achievable residential or mixed-use developments that utilize bonus units. Projects that utilize the coverage incentive in this amendment package may not build parking spaces above what is currently allowed by the local jurisdictions. Land coverage transfers and water quality fees would still be required.

2. Areas zoned for multi-family housing outside of centers: Allow up to 70 percent land coverage on high capability lands (instead of capping land coverage at up to 30 percent) for 100 percent deed-restricted affordable, moderate or achievable residential or mixed-use developments that utilize bonus units with participation in a stormwater collection and treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity, or with a public entity responsible for onsite system maintenance. Projects that utilize the coverage incentive in this amendment package may not build parking spaces above what is currently allowed by the local jurisdictions. Land coverage transfers and water quality fees would still be required.
3. ADUs within bonus unit boundary: Allow up to 1,200 square feet on high capability lands within centers for a deed-restricted affordable, moderate, or achievable accessory dwelling unit(s). Allow up to 1,200 square feet or up to 70 percent land coverage (whichever is less) on high capability lands outside of centers for a deed-restricted accessory dwelling unit(s). Additional land coverage shall be used only for the accessory dwelling unit, and includes decks and walkways associated with the accessory dwelling unit. This coverage may not be used for parking. Land coverage transfers and water quality mitigation fees would still be required.

The amendments add criteria to the definition of “achievable” housing. The definition currently requires that at least one member of the household work for an employer with a business license or tax address within the Tahoe region or Tahoe-Truckee Unified School District. The updated definition will require the employee’s physical presence in order to complete the tasks or furnish the service for the employer within the Tahoe region or Tahoe-Truckee Unified School District for an average of at least 30 hours per week on an annual basis, or seasonal basis for seasonal work.

The proposed amendments above would apply region-wide following TRPA adoption, except where an area plan explicitly identifies alternative standards for 100 percent deed-restricted affordable, moderate or achievable housing. Local jurisdictions may propose alternative development standards that adjust the adopted TRPA standards if that jurisdiction demonstrates that the alternative standards are at least as effective as TRPA standards in facilitating the construction of deed-restricted affordable, moderate, and achievable housing in the applicable jurisdiction, have an adopted inclusionary ordinance. Alternative standards shall take effect only through adoption of a new area plan or an amendment to an existing area plan with the appropriate level of environmental review.

The proposed amendments above would also apply to certain vertical mixed-use projects. The following is a summary of the changes to mixed-use definitions and standards:

1. New definition of mixed-use development added to Chapter 90 of the Code.
2. New design standards for mixed-use added to Chapter 36 of the TRPA Code, which includes parking and street frontage design.
3. Proposed land coverage, height, and density standards for 100 percent deed-restricted affordable, moderate, or achievable residential development defined above may be applied to vertical mixed-use developments that have a non-residential ground floor land use (e.g., retail, restaurant, personal services, office, and entertainment) and are consistent with proposed Code Section 36.13 (Mixed-Use with Affordable, Moderate, and Achievable Housing).

These proposed amendments do not add additional growth or development capacity that was not envisioned and analyzed in the 2012 Regional Plan.

## Tiering and References to Other Documents:

This Initial Environmental Checklist (IEC) tiers from the 2012 Regional Plan Update (RPU) Environmental Impact Statement (EIS). This document can be accessed at: <https://www.trpa.gov/regional-plan/2012-regional-plan-update/>.

The IEC also references several key planning documents and their associated initial environmental checklists. These include:

- 2018 Development Rights Strategic Initiative Initial Environmental Checklist and Finding of No Significant Effect. This initiative amended the Regional Plan Goals and Policies and the Code of Ordinances to allow for conversion of development rights and creation of the Bonus Unit Incentive Program, among other changes. The IEC can be found in the October 2018 Governing Board packet and also accessed here: [https://www.trpa.gov/wp-content/uploads/documents/archive/3-Attachment-A1\\_DRIS-IEC\\_100318.pdf](https://www.trpa.gov/wp-content/uploads/documents/archive/3-Attachment-A1_DRIS-IEC_100318.pdf).
- 2020 Linking Tahoe: Regional Transportation Plan & Sustainable Communities Strategy Initial Environmental Checklist and Mitigated Finding of No Significant Effect. This document can be found in the April 2021 Governing Board packet and also accessed at: <https://www.trpa.gov/rtp/>.
- 2021 Air Quality Threshold Standard (AQ14) Update and Implementation Program (VMT Threshold Update) Initial Environmental Checklist and Finding of No Significant Effect. This document can be found in the April 2021 Governing Board packet and also accessed here: <https://www.trpa.gov/wp-content/uploads/Attachment-I-IEC-for-VMT-Update.pdf>.
- 2021 Phase 1 Housing Amendments Initial Environmental Checklist. The Phase 1 Housing Amendments allowed accessory dwelling units on all residential parcels, allowed existing tourist densities to be applied to residential development on the same parcel during redevelopment, and expanded the Bonus Unit Boundary to incorporate the ½ mile buffer from centers and all areas zoned for multi-family development. The document can be found in the July 2021 Governing Board packet and also access at: <https://www.trpa.gov/wp-content/uploads/Agenda-Item-No.-VI.-A-Phase-1-Housing-Code-Amendments.pdf>.

The Phase 2 Housing Amendments propose to modify a small portion of the 2012 Regional Plan and Code of Ordinances (as previously amended) specific to buildout of the remaining residential bonus units. Impacts arising from development under current policy were already evaluated in the RPU EIS and the other environmental analyses listed above. This IEC evaluates the impacts of the Phase 2 Housing Amendments as compared to the existing 2012 Regional Plan, that is, are there any significant impacts arising from these housing incentives rather than from the units themselves.

The following questionnaire has been completed based on evidence submitted with the application. For the TRPA Initial Environmental Checklist, all "Yes" and "No, With Mitigation" answers require written discussion. For the CEQA Initial Study checklist, all "Less Than Significant (LTS) with Mitigation" and "Less than Significant (LTS)" answers require written discussion. Written discussion is also provided by some "No" and "No Impact" answers where needed to support the conclusion. (Again, the CEQA checklist is complete here only as a future aid to California jurisdictions subsequent actions.)

For information on the status of TRPA environmental thresholds (<https://thresholds.laketahoeinfo.org>) click on the links below to the Threshold Dashboard.

## I. Environmental Impacts

### 1. Land (TRPA Checklist Questions)

Current and historic status of soil conservation standards can be found at the links below:

- [Impervious Cover](#)
- [Stream Environment Zone](#)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Unstable soil conditions during or after completion of the proposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. The continuation of or increase in wind or water erosion of soils, either on or off the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Geology/Soils (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: (CEQA VIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Geology/Soils (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?				
ii) Strong seismic ground shaking?				
iii) Seismic-related ground failure, including liquefaction?				
iv) Landslides?				
2. Result in substantial soil erosion or the loss of topsoil? (CEQA VIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (CEQA VIIc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (CEQA VIId)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (CEQA VIIE)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (CEQA VIIf)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

#### TRPA Question 1.a:

Under the proposed amendments, maximum allowable land coverage (base plus transferred) within centers, the Regional Center, and the High Density Tourist District would no longer be capped on high capability lands for 100 percent deed-restricted affordable, moderate and achievable housing development projects that utilize bonus units, including mixed-use projects that include deed-restricted housing and are consistent with proposed Code Section 36.13 (Mixed-Use with Affordable, Moderate, and Achievable Housing). This amendment would incentivize transfers of coverage into these center areas, which would result in the relocation of coverage from equal or more sensitive to less sensitive lands. The amendments would allow land coverage over 70 percent in centers with participation in a stormwater collection and treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity, or with a public entity responsible for onsite system maintenance.

Under the proposed amendments, maximum allowable land coverage (base plus transferred) within areas zoned for multi-family housing would allow up to 70 percent land coverage on high capability lands for 100 percent deed-restricted affordable, moderate and achievable housing development projects that utilize bonus units, including mixed-use projects that include deed-restricted housing and are consistent with proposed Code Section 36.13 (Mixed-Use with Affordable, Moderate, and Achievable Housing). The proposal would allow up to 70 percent coverage for deed-restricted ADUs within the Bonus Unit Boundary. This amendment would incentivize transfers of coverage into these multi-family zoned areas and the Bonus Unit Boundary, which would result in the relocation of coverage from equal or more sensitive to less sensitive lands. The amendments would allow land coverage up to 70

percent in multi-family zones and the Bonus Unit Boundary with participation in a stormwater collection and treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity, or with a public entity responsible for onsite system maintenance.

At present, the number of potential housing units eligible for development under the proposed amendments is equal to the number of bonus units remaining under the Regional Plan (approximately 946 in 2023 as noted in the Project Need section above). The 2012 Regional Plan Update analysis supporting increased land coverage limits of up to 70 percent coverage in centers (2012 RPU EIS Section 3.7, pages 3.7-33 to 3.7-36) also applies to the current proposal – impacts of higher land coverage percentages on high capability lands are mitigated by incentivizing the removal of coverage on sensitive lands for transfer to Centers and areas zoned for multi-family housing. Additionally, publicly owned or maintained onsite BMPs or regional water quality treatment systems will still be required to treat runoff from all coverage associated with the deed-restricted affordable housing development, providing protection to water quality in Lake Tahoe.

Because of the increased land coverage limits, this amendment could increase compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES) (within project specific sites, not on a regional basis) not previously studied in the 2012 RPU EIS.

While the land capability or IPES limits may be exceeded under the amendment, the land capability limits will not be exceeded on a regional level. Assuming that there are approximately 946 bonus units remaining for assignment to future projects (see Project Need section above), approximately 620,000 square feet (just over 14 acres) of land coverage (using 656 sf average land coverage per multi-family unit as estimated in the 2012 RPU EIS) would be required for buildout of bonus units within high capability lands inside centers, multi-family housing zones, and the bonus unit boundary. A sizable percentage of the land coverage needed for these affordable housing units would consist of base allowable land coverage (20 to 30 percent) for high capability lands whether the proposed development parcels are vacant or have existing land coverage. As such, up to 50-80 percent of the estimated land coverage total would require transfer under the current rules if future 100 percent deed-restricted affordable, moderate and achievable housing projects were to maximize land coverage at 70 or 100 percent of the high capability portion of the project area (70 percent in multi-family zones outside centers and up to 100 percent within centers). As such, under current transfer rules, approximately 7 to 11.2 acres of the calculated maximum land coverage total of 14 acres for buildout of the 946 bonus unit pool would require transfer. This range of potential land coverage transfer equals up to approximately 488,000 square feet of land coverage, a potential benefit to equally or more sensitive lands outside of the urban boundary that would no longer have land coverage development potential. Based on data included in the 2012 RPU EIS (Table 3.7-5), over 4,700 acres of high capability land coverage is available for development region-wide. Thus, not only would the additional 7 to 11.2 acres of additional land coverage within the Centers and multi-family housing zones require transfer from other areas (offsetting exceedance of existing land coverage limits in those locations), the total increase in these areas equates to less than 0.3 percent of the total remaining allowable high capability land coverage in the region. Under the current development caps, there is no possibility that even under full build-out, the region will exceed regional land coverage limits.

Based on the relatively small amount of high capability land coverage needed to incentivize 946 units of 100 percent deed-restricted affordable, moderate, and achievable housing (bonus units) and associated commercial aspects of mixed-use development that includes only bonus units for the residential component, and the requirements to transfer land coverage over base allowable with publicly maintained onsite or area-wide stormwater treatment systems, the impact of this change is considered to be less than significant. This finding does not support allowance for any additional coverage above the base allowable for any other type of development, which will require a separate environmental review.

#### TRPA Questions 1.b-g:

All of these responses are “no” because specific, potential impacts would be determined at the project level. At this stage of review, project-specific impacts are not known, and the existing Code requirements, along with the measures required by the amendments, would preclude significant, unmitigated, project-level impacts to soils.

## TRPA Threshold Indicators:

As indicated in the discussion above, adverse impacts to soils due to increased coverage are not anticipated with implementation of code requirements relating to land coverage transfers.

**Impervious Cover:** The proposal provides increased land coverage limits for 100 percent deed-restricted affordable, moderate, or achievable housing that utilize bonus units constructed on high capability lands. With the buildout of all remaining residential bonus units in the 2012 RPU, land coverage limits for high capability lands are not exceeded basin-wide under the proposed amendments (See analysis above and on pages 3.7-39-40 from the 2012 RPU EIS) and necessary land coverage transfers will benefit impervious cover outside of Centers and areas zoned for multi-family housing.

**Stream Environment Zone:** Fifteen acres of coverage within stream environment zones (SEZ) are anticipated to be restored over the life of the 2012 Regional Plan, and as of 2022, approximately 12.8 acres of SEZ coverage removal has been achieved, which is on track with performance benchmarks. With transfers of coverage associated with the proposed amendments designed to incentivize 100 percent deed-restricted affordable, moderate and achievable housing, these amendments would continue to support attainment of that goal.

## CEQA Questions 1.1-1.6:

For question 1.2, please refer to TRPA question 1.a.

For question 1.5, there is “no impact” as septic tanks or other alternative waste water disposal systems are not permitted in the Lake Tahoe Region.

All other responses would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to geology/soils.

## 2. Air Quality (TRPA Checklist Questions)

**Current and historic status of air quality standards can be found at the links below:**

- [Carbon Monoxide \(CO\)](#)
- [Nitrate Deposition](#)
- [Ozone \(O3\)](#)
- [Regional Visibility](#)
- [Respirable and Fine Particulate Matter](#)
- [Sub-Regional Visibility](#)

### Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Substantial air pollutant emissions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Deterioration of ambient (existing) air quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. The creation of objectionable odors?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Increased use of diesel fuel?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



## Air Quality (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Conflict with or obstruct implementation of the applicable air quality plan? (CEQA IIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standards? (CEQA IIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Expose sensitive receptors to substantial pollutant concentrations? (CEQA IIIc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Result in other emissions, such as objectionable odors, adversely affecting a substantial number of people? (CEQA IIId)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Greenhouse Gas Emissions (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
5. Greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (CEQA VIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (CEQA VIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

TRPA Questions 2.a-2.d:

The Phase 2 Housing Amendment is consistent with the existing growth management system and will help to implement Regional Plan and Regional Transportation Plan goals of concentrating development close to transit and centers, where it will have reduced air quality impacts. Thus, the change does not result in substantial air emissions, deterioration of ambient air quality, the creation of objectionable odors, change in climate, or increased use of diesel fuel beyond what was analyzed in the 2012 Regional Plan EIS.

The proposal does not change the overall number of units that will be built throughout the life of the Regional Plan, it instead creates incentives to shift that development closer to transit and services. Thus, the amount of air quality and climate emissions associated with each unit has already been analyzed in the 2012 RPU and shown not to exceed air quality or odor standards.

The carbon monoxide (CO) emission standard is not associated with overall trips but with idling time and could therefore be impacted by encouraging higher density housing in specific locations. Increasing incentives to develop town center parcels with more units could lead to more households with cars living in certain locations, increasing localized congestion during peak periods. While localized roadway intersections could see a slight increase in congestion from more densely built housing development, a CO hot spot analysis is not warranted to answer question (2.d) as Tahoe Basin intersections/roadway volumes do not reach the volumes/delay needed to exceed CO

standards on a localized level. As reported in the US 50/South Shore Revitalization Project Draft EIR/EIS/EIS (page 3.13-30), there is no applicable El Dorado County Air Quality Management District (EDCAQMD) screening criteria available to determine the need for a CO hot spot analysis. As such, recent screening criteria from Sacramento Metropolitan Air Quality Management District (SMAQMD) is considered for this CO impact discussion. According to SMAQMD, a project would result in a less-than-significant CO impact if the project would not result in an affected intersection experiencing more than 31,600 vehicles per hour (SMAQMD 2009). For the purpose of this analysis, a significant impact related to CO emissions during operation would occur if the project would increase traffic volumes at Tahoe Basin intersections to more than 31,600 vehicles per hour.

There are no intersections in the Lake Tahoe Basin that come close to 31,600 vehicles per hour. For example, one of the busiest intersections in the Tahoe Basin is the US Highway 50/SR 89/Lake Tahoe Boulevard (“the Y”) intersection in South Lake Tahoe, with up to 4,294 vehicles per hour during peak summer periods (Table 2, page 5, LSC, 2070 Achievable Housing Traffic Study, May 28, 2021). As such, the proposed amendments would not increase intersection volumes that exceed the applicable screening criteria for CO hot spots analysis.

#### TRPA Question 2.e:

Use of diesel fuel over the long term would not be expected to increase over what was analyzed in the RPU, as nothing about incentivizing units to be located closer to transit and services would change the amount of diesel fuel that they are anticipated to use. Diesel fuel could be used during construction, however since there would be efficiencies of scale in constructing deed-restricted multi-family bonus units, no increase in the use of diesel fuel during project construction is expected as a result of the proposed amendment.

#### TRPA Threshold Indicators:

As discussed above, no significant impacts on air quality are anticipated as a result of the proposed amendment.

Air Quality: Current and historic status of air quality standards (e.g., Carbon Monoxide) can be found at the links above.

#### CEQA Questions 2.1-2.6:

All responses are identified as “no impact” but would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to air quality/greenhouse gas emissions.

### 3. Water Quality (TRPA Checklist Questions)

Current and historic status of water quality standards can be found at the links below:

- [Aquatic Invasive Species](#)
- [Deep Water \(Pelagic\) Lake Tahoe](#)
- [Groundwater](#)
- [Nearshore \(Littoral\) Lake Tahoe](#)
- [Other Lakes](#)
- [Surface Runoff](#)
- [Tributaries](#)
- [Load Reductions](#)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Changes in currents, or the course or direction of water movements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Alterations to the course or flow of 100-year flood waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Change in the amount of surface water in any water body?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Alteration of the direction or rate of flow of ground water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Is the project located within 600 feet of a drinking water source?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Hydrology/Water Quality (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? (CEQA Xa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Hydrology/Water Quality (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (CEQA Xb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (CEQA Xc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Result in substantial erosion or siltation on- or off-site;				
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;				
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or				
iv) Impede or redirect flood flows?				
4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (CEQA Xd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (CEQA Xe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

TRPA Questions 3.a and 3.c-3.f and 3.h-3.k:

All of these responses are “no” because specific, potential impacts would be determined at the project level. At this stage of review, project-specific impacts are not known, and the existing Code requirements, along with the measures required by the amendments, would preclude significant, unmitigated, project-level impacts to water quality.

TRPA Questions 3.b and 3.g:

Under the proposed amendments, maximum allowable land coverage (base plus transferred) within centers, the Regional Center, and the High Density Tourist District would no longer be capped on high capability lands for 946 units of 100 percent deed-restricted affordable, moderate and achievable housing development projects that utilize bonus units, including mixed-use projects that include deed-restricted housing that includes only bonus units for the residential component and are consistent with proposed Code Section 36.13 (Mixed-Use with Affordable, Moderate, and Achievable Housing). The amendments would allow land coverage over 70 percent in centers with participation in a stormwater collection and treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity, or with a public entity responsible for onsite system maintenance. As a result, the amendments would incentivize transfers of coverage into centers, which would result in the relocation of coverage from equal or more sensitive to less sensitive lands.

Under the proposed amendments, maximum allowable land coverage (base plus transferred) within areas zoned for multi-family housing would allow up to 70 percent land coverage on high capability lands for 946 units of 100 percent deed-restricted affordable, moderate and achievable housing development projects that utilize bonus units, including mixed-use projects that include only bonus units for the residential component and are consistent with proposed Code Section 36.13 (Mixed-Use with Affordable, Moderate, and Achievable Housing). This

amendment would incentivize transfers of coverage into these multi-family zoned areas, by allowing up to 70 percent in multi-family zones with participation in a stormwater collection and treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity, or with a public entity responsible for onsite system maintenance.

Recently permitted projects in the Lake Tahoe Basin show how the use of onsite stormwater systems would allow deed-restricted housing developments to maximize the utility of land available for the housing units. The Waldorf Astoria Lake Tahoe and Incline 947 Residential, both of which are located in centers and can transfer in up to 70 percent coverage already, include state-of-the-art systems that can collect, treat and retain/infiltrate stormwater events onsite using underground systems that can be placed below driveways, parking areas and other development amenities, reducing the amount of land area needed to collect and treat stormwater runoff. Ultimately the treated stormwater is allowed to percolate into the soil to help recharge groundwater levels. These types of systems would benefit 100 percent deed-restricted affordable, moderate and achievable housing developments to maximize the utility of land available for affordable housing sites. In the case of the Waldorf Astoria Project, the system is designed to treat the 100-year, one hour storm event, substantially exceeding the TRPA Code requirements for treatment of the 20-year, one hour storm event.

To overcome some of the site-specific challenges of capturing and infiltrating stormwater onsite through BMPs, the 2012 Regional Plan EIS identified a benefit to water quality with targeted BMP compliance and the expansion of areawide treatments. A “revised policy option” expanded the ability to implement areawide treatment facilities to any area in the Region where the water quality benefit of the approach can be demonstrated to meet or exceed existing water quality requirements. The proposed land coverage amendments would add additional impetus to expand publicly owned and operated areawide stormwater treatment systems, or better maintain onsite treatment systems through requirements for public maintenance.

While the proposed amendments would allow increased land coverage limits on a parcel-by-parcel basis, they would not allow increased land coverage totals on a region-wide basis. Thus, new land coverage added to accommodate new 946 units of 100 percent deed-restricted affordable, moderate, or achievable housing is coverage that may have been added anyway to build the remaining bonus unit inventory, spread out on additional parcels where multi-family housing is permitted. Similar to existing regulations, projects that create new land coverage under the proposed amendments must demonstrate that all stormwater runoff from this coverage is collected and treated to meet TRPA standards. Additionally, this amendment includes a provision requiring that the project participate in a stormwater collection and treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity. The system could be located offsite or onsite and could be a new system or a connection to an existing system that is adequately sized (or retrofitted) to accommodate the project’s stormwater collection and treatment. This requirement would ensure that there would be no adverse alteration in surface water quality or change in the quantity of groundwater. Additionally, the requirement that the system be owned and operated by a public entity, or that a public entity is responsible for onsite system maintenance would be an enhanced level of maintenance over what is required today for residential housing development.

In response to concerns submitted on the 2012 RPU EIS regarding the localized water quality impacts of further concentrating development within community centers, TRPA prepared an analysis to estimate the relative changes in pollutant loading that could occur within community centers as a result of proposed policies. A stormwater modeling simulation was prepared using the Pollutant Load Reduction Model (PLRM). The simulation provided estimates of existing and future pollutant loading from areas designated as centers in the Final Draft Plan. The analysis incorporated parcel-level data on land use, existing coverage, and current BMP compliance to generate estimates of existing loading from Centers. To evaluate a worst-case scenario, the model assumed that all parcels within Centers with commercial, tourist accommodation, and residential land uses would maximize their allowable coverage as a result of policies that incentivize additional concentrated development. The model also assumed that all parcels that added coverage would comply with BMP requirements. The modeling results show that even if policies that incentivize concentrated development achieved the maximum allowable coverage in all Centers, the result would be a decrease in pollutant loading from Centers as a result of implementing required water quality regulations. Because of the relatively small increase in total land coverage associated with the proposed

amendments (e.g., up to 11.2 acres of additional land coverage in high capability town center, multi-family zoned, and bonus unit boundary lands, which equates to less than 0.3 percent of the remaining allowable high capability land coverage in the region), the PLRM analysis also supports a finding of no significant impact for increasing land coverage limits for 946 units of 100 percent deed-restricted affordable, moderate, or achievable housing developments that utilize bonus units. This finding does not support allowance for any additional coverage above the base allowable for any other type of development, which will require a separate environmental review.

#### TRPA Threshold Indicators:

As discussed above, no significant water quality impacts are anticipated. The proposed plan would not alter or revise regulations pertaining to water quality. Future development under the amendments is not anticipated to result in water quality impacts, or interfere with achieving load reduction targets, as all projects must demonstrate compliance with the Code of Ordinances.

Water Quality: Current and historic status of water quality standards can be found at the links above.

#### CEQA Questions 3.1-3.5:

For questions 3.2 and 3.3, please refer to TRPA questions 3.b and 3.g.

All other responses are identified as “no impact” but would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to hydrology/water quality.

## 4. Vegetation (TRPA Checklist Questions)

Current and historic status of vegetation preservation standards can be found at the links below:

- [Common Vegetation](#)
- [Late Seral/Old Growth Ecosystems](#)
- [Sensitive Plants](#)
- [Uncommon Plant Communities](#)

#### Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora, and aquatic plants)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Reduction of the numbers of any unique, rare, or endangered species of plants?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- |                                                                                                                                                                               |                          |                                     |                          |                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?                                                                            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. A change in the natural functioning of an old growth ecosystem?                                                                                                            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

## Discussion

### TRPA Question 4.a:

The proposal does not add development capacity but incentivizes development to be concentrated in centers and close to transit and services, and to be constructed as smaller multi-family units which would result in a reduction in impacts to vegetation region wide.

### TRPA Questions 4.b-4.h:

All of these responses are “no” because specific, potential impacts would be determined at the project level. At this stage of review, project-specific impacts are not known, and the existing Code requirements, along with the measures required by the amendments, would preclude significant, unmitigated, project-level impacts to biological resources.

The proposal provides land coverage incentives on high capability land only, which by definition does not include riparian vegetation. The proposal would require that all runoff be treated and infiltrated either through on-site BMPs operated by a public entity, or through publicly managed offsite stormwater treatment systems which would return the treated water to the groundwater system. The proposed amendments do not change rules regarding access to, or use of groundwater. Thus there would not be a lowering of the groundwater table that could affect vegetation associated with critical wildlife habitat. In addition, individual projects must assess whether their project is in an area of critical wildlife habitat, and take appropriate measures to protect that habitat, or not create additional development in that location.

### TRPA Threshold Indicators:

As discussed above, the proposed amendments do not alter or revise regulations pertaining to native vegetation protection during construction, vegetation removal, groundwater management, landscaping, sensitive plants, stream environment zones, or tree removal. As such, no effect on vegetation preservation indicators is anticipated.

Vegetation Preservation: Current and historic status of vegetation preservation standards can be found at the links above.



## 5. Wildlife (TRPA Checklist Questions)

Current and historic status of special interest species standards can be found at the links below:

- [Special Interest Species](#)

Current and historic status of the fisheries standards can be found at the links below:

- [Instream Flow](#)
- [Lake Habitat](#)
- [Stream Habitat](#)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Reduction of the number of any unique, rare or endangered species of animals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Deterioration of existing fish or wildlife habitat quantity or quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Biological Resources (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (CEQA IVa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (CEQA IVb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (CEQA IVc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (CEQA IVd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance? (CEQA IVe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Biological Resources (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (CEQA IVf)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

TRPA Questions 5.a-5.d:

All of these responses are “no” because specific, potential impacts would be determined at the project level. At this stage of review, project-specific impacts are not known, and the existing Code requirements, along with the measures required by the amendments, would preclude significant, unmitigated, project-level impacts to biological resources.

At a localized level, the proposal could result in a reduction of habitat in centers and areas zoned for multi-family housing, through development of 100 percent deed-restricted affordable housing. However, wildlife habitat within or immediately adjacent to centers is less suitable for sensitive wildlife species than habitat located outside of the urban core. The proposal does not add development capacity but incentivizes development to be concentrated in centers and close to transit and services, and to be constructed as smaller units which would result in a reduction in impacts to wildlife region wide.

TRPA Threshold Indicators:

As discussed above, the proposed amendments do not affect existing standards relating to wildlife or fisheries. No impact to threshold indicators is anticipated.

Wildlife: Current and historic status of special interest wildlife preservation standards can be found at the links above:

Fisheries: Current and historic status of aquatic/fisheries preservation standards can be found at the links above:

CEQA Questions 5.1-5.6:

All responses are identified as “no impact” but would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to biological resources.

## 6. Noise (TRPA Checklist Questions)

Current and historic status of the noise standards can be found at the links below:

- [Cumulative Noise Events](#)
- [Single Noise Events](#)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Area Plan, Plan Area Statement, Community Plan or Master Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

b. Exposure of people to severe noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Exposure of existing structures to levels of ground vibration that could result in structural damage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Noise (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or other applicable local, state, or federal standards? (CEQA XIIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Generation of excessive groundborne vibration or groundborne noise levels? (CEQA XIIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels? (CEQA XIIIc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

#### TRPA Questions 6.a-6.f:

All of these responses are “no” because specific, potential impacts would be determined at the project level. At this stage of review, project-specific impacts are not known, and the existing Code requirements, along with the measures required by the amendments, would preclude significant, unmitigated, project-level impacts to noise resources.

The amendments propose to concentrate multi-family residential uses in Centers and adjacent areas with multi-family zoning where the predominant CNEL standard is 60 dBA. Based on TRPA threshold evaluation monitoring (TRPA, 2019) for mixed-use land use areas (with an assigned CNEL standard of 60) and high density residential areas (55 CNEL standard), each area meets threshold targets and therefore would not expose new residents to noise levels that exceed standards. The 2019 threshold report states that average noise levels across all monitored commercial, tourist, and high density residential areas are well within the threshold standard.

#### TRPA Threshold Indicators:

As discussed above, no significant noise-related impacts are anticipated.

Noise: Current and historic status of the noise standards can be found at the links above.

## CEQA Questions 6.1-6.3:

All responses are identified as “no impact” but would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts related to noise or vibration.

## 7. Light and Glare (TRPA Checklist Questions)

### Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Include new or modified sources of exterior lighting?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Cause light from exterior sources to be cast off -site or onto public lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Aesthetics – Light and Glare (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (CEQA Id)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

#### TRPA Questions 7.a-7.d:

All of these responses are “no” because specific, potential impacts would be determined at the project level. At this stage of review, project-specific impacts are not known, and the existing Code requirements, along with the measures required by the amendments, would preclude significant, unmitigated, project-level impacts to light and glare.

#### CEQA Question 7.1:

All responses are identified as “no impact” but would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to views from light and glare.

## 8. Land Use (TRPA Checklist Questions)

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Include uses which are not listed as permissible uses in the applicable Area Plan, Plan Area Statement, adopted Community Plan, or Master Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Expand or intensify an existing non-conforming use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Land Use/Planning (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Physically divide an established community? (CEQA XIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (CEQA XIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

TRPA Questions 8.a-8.b:

All of these responses are “no” because specific, potential impacts would be determined at the project level. At this stage of review, project-specific impacts are not known, and the existing Code requirements, along with the measures required by the amendments, would preclude significant, unmitigated, project-level impacts to land use.

The proposal does not add any additional land uses or development commodities. The proposal would intentionally intensify residential uses (8.b) in areas where they are already permitted. For the reasons explained in the Project Description and Project Need, these changes are proposed in order to better incentivize development of affordable and workforce housing and realize the goals of the Regional Plan.

CEQA Questions 8.1-8.2:

All responses are identified as “no impact” but would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to land use and land use plans.

## 9. Natural Resources (TRPA Checklist Questions)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. A substantial increase in the rate of use of any natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- b. Substantial depletion of any non-renewable natural resource? ☐ ☒ ☐ ☐

## Mineral Resources (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (CEQA XIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (CEQA XIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

TRPA Questions 9.a-9.b.

A

All of these responses are “no” because specific, potential impacts would be determined at the project level. At this stage of review, project-specific impacts are not known, and the existing Code requirements, along with the measures required by the amendments, would preclude significant, unmitigated, project-level impacts to natural resources.

The proposal does not create any additional growth, thus is not expected to increase the rate of use of any natural resources or non-renewable natural resources.

CEQA Questions 9.1-9.2:

All responses are identified as “no impact” but would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to mineral resources.

## 10. Risk of Upset (TRPA Checklist Questions)

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Involve possible interference with an emergency evacuation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Hazards & Hazardous Materials (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (CEQA IXa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (CEQA IXb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (CEQA IXc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (CEQA IXd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? (CEQA IXe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (CEQA VIII f)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (CEQA IXg)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Wildfire (CEQA Checklist Questions)

**If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:**

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
8. Substantially impair an adopted emergency response plan or emergency evacuation plan? (CEQA XXa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (CEQA XXb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (CEQA XXc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (CEQA XXd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

### TRPA Question 10.a.

There is no additional risk of explosion or release of hazardous substances associated with encouraging development to shift to centers and areas zoned for multi-family housing close to transit and services. All projects must comply with current local and state safety standards during construction and operation.

### TRPA Question 10.b.

Evacuation planning and execution is conducted at the local level, with coordination among local fire and law enforcement agencies, departments of transportation, and state fire agencies during a large-scale emergency event, such as the 2021 Caldor Fire.

As part of the 2012 RPU EIS analysis, TRPA conducted an analysis of wildfire risk and its impact on emergency evacuation, considering the amount of growth forecast for the region. This amendment does not propose additional growth, only amendments to standards intended to encourage buildout of the remaining residential bonus units for 100 percent deed-restricted affordable, moderate and achievable housing. As such, the amendments do not exacerbate previously identified wildfire risk from the buildout development of new residential housing. The amendments will not increase the overall development potential in the Region because the total quantity of residential units, tourist accommodation units, and commercial floor area (collectively referred to as TRPA development rights) is capped by TRPA's growth control system from TRPA's Regional Plan. The full buildout of the Region was studied in the 2012 EIS.

The proposed amendments are focused on town centers and areas immediately adjacent to town centers, where wildfire danger is inherently less because these areas are further from the wildland-urban interface, and there is more defensible space and pavement. New housing developments that may be facilitated by the amendments are still subject to fire marshal approval and local building standards that incorporate best practices and materials for home hardening to help prevent structure loss during a wildfire.

By concentrating higher density developments of remaining residential growth in centers and along evacuation routes such as major highways, rather than in lower density residential neighborhoods closer to the wildland-urban interface, or on residential neighborhood roads which may have limited exit routes, the proposed amendments may benefit evacuation planning. As documented in *The Relative Influence of Climate and Housing Development on Current and Projected Future Fire Patterns and Structure Loss Across Three California Landscapes* (Syphard, 2019), project density influences how likely a fire is to start or spread, and how likely it is that the development and its occupants will be in danger when a fire starts. Fire spread and structure loss is more likely to occur in low- to intermediate-density developments. This is because there are more people present to ignite a fire (as compared to undeveloped land), and the development is not concentrated enough (as compared to high-density developments) to disrupt fire spread by removing or substantially fragmenting wildland vegetation. As such, centers and other urban areas adjacent to town centers are typically less fire prone than less developed areas of the Lake Tahoe Region.

Another factor in evaluating the proposed housing amendment's wildfire risk is the adequacy of water supplies and infrastructure to address fire-fighting. This analysis considers the potential loss of water pressure during a fire, which may decrease available water supply and the potential loss of power, which may eliminate the supply. Concentrating future 100 percent deed-restricted affordable, moderate and achievable housing in centers and areas adjacent to centers may lessen the risk of low water pressure and loss of power during a fire. Centers and areas adjacent to town centers are typically less fire prone than other areas of the Lake Tahoe Region because more of the power lines are underground and there is greater redundancy for water storage and supply. As noted in *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Moritz, et al., 2020) the level of analysis needed for the Phase 2 amendments is relative to the potential impacts and risks, a higher density infill project within an already developed area would not require the same level of analysis as a new lower-density development within the wildland-urban interface and surrounded largely by open space.

Further, a goal of the current proposal seeks to shift more of the future housing stock to occupancy by local residents, rather than part-time second homeowners or tourists (e.g., vacation home rentals). Because of the lack



of available housing and high rates of work force commuting into the basin, a similar number of people are likely to be in the basin during a potential emergency event, still requiring evacuation. Housing more of the work force within the basin, and thereby having fewer commuters in the basin during an emergency event may help to reduce congestion on roadways during emergency evacuation.

Since reducing reliance on the private automobile and reducing the cost of housing by encouraging smaller units with less parking is a goal of these amendments, there may be greater need to evacuate residents who do not own a private vehicle. Multi-family residential developments require fire marshal approval in the permitting process; during this review, possible households without cars are identified by local jurisdiction planning staff, law enforcement, and emergency response officials. These entities coordinate to develop pre-attack plans that specifically address higher density housing, households without cars, or households with mobility challenges. As a result of the Caldor and Mosquito fires, law enforcement and emergency response officials now coordinate with transit authorities and school districts to provide critical resources, particularly buses and other forms of public transit, to these vulnerable households during an evacuation event. Approximately 4 percent, or 1,043 households[1], in the Tahoe region are zero-vehicle households. The percentage of zero car households is expected to rise with the Phase 2 amendments. Specific projects that deviate from existing parking minimums under the proposed amendment may not necessarily increase the number of households without a private vehicle, as project applicants must demonstrate that the parking demand generated by their project, measured through a parking study, is met by providing parking spaces and/or through parking management strategies. Thus, some of the households in these projects may still own private vehicles. Conservatively assuming 20% of the 946 remaining bonus units are built with no parking spaces, this could result in approximately 189 additional zero car households. Spread across the five jurisdictions this would result in the addition of less than 40 new zero car households per jurisdiction. Project-specific review would evaluate capacity and consistency with local evacuation plans, and this would result in a less than significant impact on emergency response plans and emergency evacuation plans.

Several California state laws, including SB-99, require cities and counties to (1) identify residential areas without adequate exit routes for evacuation and (2) include mitigation measures in their general plans to overcome those issues. Another state law is AB 747, which requires local governments to plan evacuation route capacity needs under a range of emergency scenarios.

In summary, the proposed amendments do not conflict with local jurisdictions' ability to prepare or implement emergency evacuation plans and therefore, would result in no impact.

#### CEQA Questions 10.1-10.5:

There is no additional risk of explosion or release of hazardous substances associated with encouraging development to shift to centers and areas zoned for multi-family housing close to transit and services. All projects must comply with current local and state safety standards during construction and operation.

#### CEQA Question 10.6 and 10.8:

Please refer TRPA question 10.b.

#### CEQA Questions 10.7 and 10.9-10.11:

All responses are identified as "no impact" but would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts related to wildfire risk.

## 11. Population (TRPA Checklist Questions)

### Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Include or result in the temporary or permanent displacement of residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Population (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (CEQA XIVA)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

#### TRPA Question 11.a:

The proposal will not increase the number of housing units planned for the region under the growth management system, as only 946 remaining residential bonus units are available for the proposed incentives. In the recent past, the Tahoe Region population exceeded 60,000 people, approximately 10,000 more than present. Since much of that previous population has been lost, any growth in population provided by construction of bonus units would allow the growth rate of the human population residing in the region to more closely align with the growth rate/population projections envisioned in the Regional Plan (60,365 as reported in 2012 RPU Draft EIS, page 3.12-9; and 58,041 as reported in the 2020 Regional Transportation Plan, page 249), which includes a goal of providing sufficient local workforce housing to meet the needs of the Region. The Regional Plan also includes the State of California Regional Housing Needs Assessment (RHNA) requirements for affordable, moderate, and above-moderate-income housing. The proposed amendments would incentivize construction of the deed-restricted housing units planned for with the Bonus Unit Incentive Pool (currently approximately 946 remaining bonus units), thus more quickly achieving the RHNA goals and the larger housing need identified in several other regional housing needs assessments [e.g., Tahoe Living Working Group Housing Need, August 19, 2020 accessed at <https://www.trpa.gov/wp-content/uploads/documents/archive/2/Housing-Need.pdf>]. The proposed amendments will shift densities to town center and multi-family zoned areas close to transit and services to help achieve Regional Plan goals of reduced VMT and walkable, bikeable centers. However, the changes in density will not result in increases to population growth rates anticipated in the 2012 RPU, thus they will not result in adverse impacts to the growth rate.

#### TRPA Question 11.b:

The proposal is not anticipated to result in temporary or permanent displacement of residents, rather the proposal will incentivize development of additional affordable housing opportunities for local residents. While an individual redevelopment project may temporarily displace residents during construction, those temporary impacts would be addressed through the specific project application.

#### CEQA Question 11.1:

Please refer to TRPA question 11.a.

## 12. Housing (TRPA Checklist Questions)

### Will the proposal:

- a. Affect existing housing, or create a demand for additional housing?

*To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:*

- |                                                                                                                                                                             | Yes                      | No                                  | No, with mitigation      | Data insufficient        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 1. Will the proposal decrease the amount of housing in the Tahoe Region?                                                                                                    | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

## Housing (CEQA Checklist Questions)

- |                                                                                                                                             | Potentially Significant  | LTS with Mitigation      | LTS Impact               | No Impact                           |
|---------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (CEQA XIVb) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

### Discussion

#### TRPA Question 12.a:

The proposed amendments are intended to increase the amount of 100 percent deed-restricted affordable, moderate and achievable housing in the region, including housing affordable to lower and very-low-income households. By making multi-family and accessory dwelling unit housing types more affordable to build, housing projects will become more competitive for state and federal grants. Projects that receive government grant funding, such as the recently approved Sugar Pine Village, are more likely to provide affordable housing for the lower income levels. Use of the remaining 946 residential bonus units to supply local residents with 100 percent deed-restricted affordable, moderate, and achievable housing units is anticipated to relieve pressure on the extremely limited rental market, allowing households to move into appropriately sized and priced units, and opening up more supply at lower rates.

It is possible that proposed density, height and land coverage amendments available for 100 percent deed-restricted housing units, including achievable, could encourage future developers to demolish existing housing units being rented at affordable (low and very low income levels) or moderate rental rates and replace them with 100 percent deed-restricted housing units that would be rented to households working locally with higher incomes, but that still qualify for deed-restricted “achievable” housing. TRPA created the “achievable” income category in 2018 based on input from the Tahoe Living Working Group and other housing partners. This category of deed restriction serves households within the local workforce that make too much money to qualify for traditional housing subsidies, but too little to afford the median priced home, which surpassed \$900,000 in 2021. Often referred to as the “missing middle,” these households include healthcare workers, firefighters, and teachers, and are the backbone of many communities. To qualify for an “achievable” unit, a household must either meet the “affordable” or “moderate” income requirements or have at least one household member who works a minimum of 30 hours a week for an employer with a business license or tax address in the Tahoe-Truckee region. The amendments will update the achievable definition to require the employee’s

physical presence in order to complete the tasks or furnish the service for the employer within the Tahoe region or Tahoe-Truckee Unified School District for an average of at least 30 hours per week on an annual basis, or seasonal basis for seasonal work.

TRPA has been listening to concerns that the requirements for “achievable” units could allow high-income earners to take advantage of bonus units not intended for them. There are several aspects that reduce that likelihood:

- A home with an “achievable” deed-restriction must be used as the occupant’s primary residence.
- Homes with deed-restrictions cannot garner the same increases in value over time that a non deed-restricted home can, and the pool of buyers is much more limited. And because the pool of buyers or renters is smaller and restricted to households that qualify based on their income or employment location, TRPA does not anticipate a large demand for these homes from anyone who can afford to purchase a non-deed restricted home. Nevertheless, TRPA is continuing to adaptively manage deed restrictions and will consider whether there are additional, reasonable restrictions that can be added to the achievable definition in the future. Any changes to deed restrictions must be approved by the TRPA Governing Board.

Finally, in the case of future multi-family residential projects, the project would be required to complete an Initial Environmental Checklist (IEC) to analyze whether the proposed demolition of existing housing would decrease the amount of housing historically or currently being rented at rates affordable to low and very-low income households. If a future project is found to reduce existing affordable housing supply, mitigation would be required to avoid a net loss of units affordable to low or very-low income households.

CEQA Question 12.1:

Please refer TRPA question 12.a.

### 13. Transportation / Circulation (TRPA Checklist Questions)

**Will the proposal result in:**

	Yes	No	No, with mitigation	Data insufficient
a. Generation of 650 or more new average daily Vehicle Miles Travelled?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Changes to existing parking facilities, or demand for new parking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Alterations to present patterns of circulation or movement of people and/or goods?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Alterations to waterborne, rail or air traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Transportation (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? (CEQA XVIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b) VMT Threshold – Land Use Projects? (CEQA XVIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (CEQA XVIIc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Result in inadequate emergency access? (CEQA XVIIId)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

#### TRPA Question 13.a:

The proposed amendments to increase height, coverage and density allowances for residential or mixed-use projects with 100 percent deed-restricted affordable, moderate or achievable housing units would only benefit projects receiving residential bonus units from TRPA. Since no new units are being added to the overall growth limits of the region, the VMT impact of the approximately 946 bonus units has already been analyzed as part of the 2012 RPU and 2020 RTP analysis, and the proposal will only further incentivize these housing units to be located in areas that generate less VMT per capita (centers and zones that permit multi-family housing) as encouraged by the 2012 Regional Plan and subsequent amendments.

As part of the analysis in the 2012 Regional Plan Update, the 2020 Regional Transportation Plan analysis, and the 2021 Phase 1 Housing Amendments analysis, bonus units were already assumed to be located within the Bonus Unit Boundary. In the 2012 RPU analysis and 2020 RTP analysis, the Bonus Unit Boundary included all centers except for Meyers, plus a ½ mile distance from existing transit. In the 2021 Phase 1 Housing Amendments analysis, similar to previous analyses, the Bonus Unit Boundary included the ½-mile buffer from existing transit, but also added a ½-mile buffer from centers, and all areas zoned multi-family at the time of the amendment. The proposal to increase height and coverage and remove maximum density limits for multi-family residential units in centers and to increase density to allow a minimum of three residential units per parcel in multi-family zones could result in bonus units being located more densely in centers and multi-family zones. However, this assumption would not cause the VMT threshold to be exceeded as both of these areas are within the bonus unit boundary and were already found to not have an adverse impact in the previous analyses referenced above.

#### TRPA Question 13.b:

The proposed amendments will not result in a demand for new parking beyond what was assumed under the 2012 RPU, 2020 RTP and 2021 Phase 1 Housing analyses. The proposal does not add additional units under the region's growth management system. Similar to the response for question 13.a, it is assumed that new 100 percent deed-restricted affordable, moderate or achievable homes that utilize bonus units (up to approximately 946 bonus units) would be located more densely in centers or multi-family zones because of the proposed amendments then was previously anticipated within the slightly broader bonus unit boundary. To further incentivize use of the remaining bonus units, the amendments include a proposal to exempt 100 percent deed-restricted affordable, moderate, or achievable housing developments from minimum parking requirements within centers. Outside of centers but within areas zoned for multi-family housing, the proposal would reduce minimum parking requirements to .75 spaces per unit, on average. In order to deviate from existing local parking requirements, the project applicant must demonstrate their ability to meet the demand generated by the new development by constructing new parking

and/or implementing parking management strategies. ADUs within the bonus unit boundary would be subject to applicable local parking requirements that exist today. Therefore, this condition will ensure that adequate localized parking is available in centers and multi-family zones without spillover impacts on neighborhoods.

The change in overall demand for parking would be minimal compared to previous analyses. Under the 2012 RPU, the 2020 RTP, and 2021 Phase 1 Housing analyses, all remaining residential units of development potential except for bonus units were assumed to be randomly distributed to buildable residential parcels throughout the region. At present, existing minimum parking requirements vary by jurisdiction for units that are 1-bedroom or less, but each local jurisdiction requires all units with two or more bedrooms to have at least two parking spaces. By incentivizing more units to be 100 percent deed-restricted as affordable, moderate, or achievable and located in proximity to transit, with higher parcel-level densities, future units will be more likely to include studios and 1-bedroom options, as documented in the Cascadia Partners Zoning and Affordability Analysis for TRPA, April 21, 2023. Studies have shown that demand for parking is reduced when people live close to transit, and that there is a positive correlation between home size and number of vehicles per household (Yes in My Backyard: Mobilizing the Market for Secondary Units, 2011; ADUs in Portland, Oregon ISS Survey Report, 2018). Furthermore, a study from Los Angeles found that the market was more effective at responding to parking demand in centers than government mandated parking minimums which were on average too high (Manville, 2014). Additionally, centers offer more opportunity to provide shared parking agreements and other parking management strategies to better utilize existing parking resources. Thus, increasing the number of 100 percent deed-restricted affordable, moderate or achievable housing developments that are close to transit and other multi-modal options will reduce the overall demand for parking and support a parking supply model, and resulting land use, that is more reflective of real parking demand in multi-use centers. Therefore, the impact is considered less than significant.

#### TRPA Question 13.c:

The proposed amendments incentivize residential development within centers and multi-family zones, closer to employment and service centers, with better connections to transit, sidewalks, and bicycle trails. The most likely change resulting from the proposal is that 100 percent deed-restricted affordable, moderate or achievable housing units utilizing bonus units will be located more densely in centers and multi-family zones, where services and employment are more concentrated, rather than distributed throughout the larger bonus unit boundary. This should reduce the number of vehicle trips and reduce or have no difference in impact to the highway system than what was analyzed in the 2012 RPU, 2020 RTP, and 2021 Phase 1 Housing ADU analysis. While an individual project could have a location-specific impact if a very large number of housing units are located, for instance, at the corner of a busy roadway intersection, certain factors would limit the impact overall on the highway system. For instance, the higher the number of units on a parcel, the smaller the units must become (Cascadia Partners Zoning and Affordability Analysis for TRPA, April 21, 2023), and smaller unit size is associated with fewer vehicles per household [Yes in My Backyard: Mobilizing the Market for Secondary Units, 2011; ADUs in Portland, Oregon ISS Survey Report, 2018]. Thus, it is anticipated that 100 percent deed-restricted affordable, moderate, or achievable households would generate fewer vehicle trips, lessening the impact overall on the highway and transportation system. Further, because of the design of nearly all communities in the basin, with neighborhoods that feed onto one or two main arterials, nearly all new vehicle trips will pass through centers. Whether those trips originate in centers or originate in outlying neighborhoods, the effect on traffic in centers will be the same. Thus, incentivizing more 100 percent deed-restricted housing development with lower vehicle requirements and within or near to centers would reduce trips and trip length and reduce the impact on the region's highway system.

By increasing densities in the lower-VMT areas of centers and multi-family zones, the proposed amendments will have a beneficial effect on existing transit systems. More people will be living within walking distance to transit, increasing ridership and making better use of available capacity and public investment in the transit system. Likewise, bike trails and pedestrian paths in centers are part of the transportation infrastructure with capacity to accommodate trips that may shift from vehicles to biking and walking. This will have a beneficial impact, making better use of public infrastructure.

TRPA Question 13.d:

Please refer to TRPA question 13.c.

TRPA Question 13.e:

The proposal will not result in any alterations to waterborne, rail or air traffic. However future waterborne transit access is focused in centers where there would be a denser population of potential users.

TRPA Question 13.f:

While the proposed amendments to incentivize housing for the permanent population/workforce could lead to an increase in vehicle traffic during off-peak times, it is not anticipated to be greater than traffic levels during peak times and would likely be significantly less due to new housing being in close proximity to services, transit and employment opportunities. The proposal is anticipated to reduce trip length and shift the proportion of trips made by motor vehicle so that a greater proportion are made by transit, biking, and walking. While an increase in biking and walking trips could lead to increased conflicts between these users on bicycle trails and sidewalks, these user conflicts are not considered as hazardous as conflicts between vehicles and bicyclists or pedestrians. The 2020 RTP includes pedestrian and bicycle improvements that address this potential increase in conflicts with vehicles and are intended to mitigate them. Thus, no significant increase in traffic hazards to motor vehicles, bicyclists, or pedestrians is expected as a result of the proposed amendments.

CEQA Question 13.1:

Please refer TRPA question 13.f.

CEQA Question 13.2:

Please refer TRPA question 13.a.

CEQA Question 13.3:

Please refer TRPA question 13.f.

CEQA Question 13.4:

Please refer TRPA question 10.b.

## 14. Public Services (TRPA Checklist Questions)

**Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?:**

	Yes	No	No, with mitigation	Data insufficient
a. Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Parks or other recreational facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- |                                                       |                          |                                     |                          |                          |
|-------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| e. Maintenance of public facilities, including roads? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Other governmental services?                       | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

## Public Services (CEQA Checklist Questions)

**Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: (CEQA XVa)**

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Parks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Other public facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Discussion

### TRPA Question 14.a:

Fire protection. There is no increase in the overall number of units that will be built, as there is no change to the growth management system. However, with the amendments, more housing units may be built within or nearby to centers and existing fire protection services, resulting in a beneficial impact. See Section 10, Risk of Upset for discussion of evacuation.

### TRPA Question 14.b:

Police protection. There is no increase in the overall number of units that will be built, as there is no change to the growth management system, thus there is not expected to be a change in the need for police protection.

### TRPA Question 14.c:

Schools. The proposed amendments encourage housing that will help bring the permanent population back to previous Tahoe region levels. Thus, school enrollments may increase. This could be considered a beneficial impact; however it is not considered to be a significant impact because school enrollment has fallen in the past and there is capacity in the Districts. For example, the Lake Tahoe Unified School District enrollment has been declining since the 2015/16 school year, and projections show continued declines through the next six years (Lake Tahoe Unified School District 2022 Facilities Master Plan [9.8.22 Revision]).

### TRPA Question 14.d:

Parks or other recreation facilities. The proposed amendments encourage 100 percent deed-restricted affordable, moderate and achievable housing (e.g., workforce housing) that will help increase the permanent regional population toward previous levels, shifting expected population from seasonal workers, and commuters who travel into the Basin to more evenly distributed permanent population over time. While there is no increase in the overall number of housing units that will be built, there could be an increase in the use of existing parks and recreation



facilities due to greater full-time population levels. However, because of the historical population levels that exceed current population figures, the increase in recreational facility use by full time residents does not result in a significant impact.

TRPA Question 14.e:

Maintenance of public facilities, including roads. There is no expected impact on maintenance of public facilities, including roads.

TRPA Question 14.f:

Other governmental services. There is no expected impact on other governmental services.

Although the amendments do not add development potential over what was analyzed in the 2012 RPU EIS, adoption of the proposed amendments may encourage higher residential development densities that could increase localized demand for fire protection, law enforcement, parks and school services. However, as with other project development anticipated in the 2012 RPU, environmental review of any necessary public service projects (e.g., City of South Lake Tahoe Recreation Center) would be required to ensure that impacts are identified and mitigated. Thus, this impact would be less than significant.

CEQA Question 14.1:

Please refer TRPA question 14.a.

CEQA Question 14.2:

Please refer TRPA question 14.b.

CEQA Question 14.3:

Please refer TRPA question 14.c.

CEQA Question 14.4:

Please refer TRPA question 14.d.

CEQA Question 14.5:

Please refer TRPA questions 14.e and 14.f.

## 15. Energy (TRPA Checklist Questions)

**Will the proposal result in:**

	Yes	No	No, with mitigation	Data insufficient
a. Use of substantial amounts of fuel or energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Energy (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (CEQA VIa)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (CEQA VIb)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion:

TRPA Questions 15.a and 15.b:

As reported in the 2012 EIS, the utility companies project that, based on their forecasting and recent growth trends in the Region, their existing capacity will substantially exceed the future demand that could be generated by the RPU at build-out (Anderson, Matthews, and Walden, pers. comms. 2012). The proposed amendments would not encourage residential housing that exceeds the building types and sizes anticipated in the 2012 EIS. This impact would be less than significant.

There is no change to the overall number of units proposed, as there are no changes to the growth management system. While individual household residents use different amounts of energy depending on how they are using the home, and permanent residents may use more energy overall, for the most part these are households which are already living in another location nearby, such as the Carson Valley, and would be using similar amounts of energy in their current location. In addition, 100 percent deed-restricted affordable, moderate or achievable housing units that will be incentivized under the amendments are likely to use the same amount or less energy than multi-family residential units modeled for buildout of the 2012 RPU. Thus, the proposed amendments will not result in the use of substantial amounts of energy or require the development of new sources of energy.

CEQA Question 15.1:

Please refer TRPA questions 15.a and 15.b.

CEQA Question 15.2:

TRPA Regional Plan Land Use Element AQ-1.5 encourages the construction of energy efficient buildings, replacement of energy inefficient buildings, and improvements to the efficiency of existing buildings. Transportation Element Goal 1 is to "Protect and enhance the environment, promote energy conservation, and reduce greenhouse gas emissions." Furthermore, Policy 1.6 states, "Require new and encourage existing major commercial interests providing gaming, recreational activities, excursion services, condominiums, timeshares, hotels, and motels to participate in transportation demand programs and projects." The Conservation Element Goal E-1 is "Promote energy conservation programs and development of alternative energy sources to lessen dependence on scarce and high-cost energy supplies."

Housing development using the proposed amendments has the potential to improve energy efficiency through increased residential density and utilization of new, energy efficient materials, fixtures, and designs. Therefore, development of 100 percent deed-restricted affordable, moderate or achievable housing would not obstruct plans for renewable energy or energy efficiency. Development of the bonus unit housing would still be required to comply with federal and state regulations, TRPA Code and General Plan policies, during project specific review, and therefore, would not obstruct energy efficiency goals.

## 16. Utilities (TRPA Checklist Questions)

**Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:**

	Yes	No	No, with mitigation	Data insufficient
a. Power or natural gas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Communication systems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Storm water drainage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Solid waste and disposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Utilities/Service Systems (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects? (CEQA XIXa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have sufficient water supplies available to serve the and reasonably foreseeable future development during normal, dry, and multiple dry years? (CEQA XIXb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments? (CEQA XIXc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (CEQA XIXd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (CEQA XIXe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

TRPA Questions 16.a-16.f:

Adoption of the proposed amendments may encourage new residential development densities that could increase localized demand for power, water, sewage and solid waste that, in turn, could require new or improved facilities. However, as with other project development anticipated under buildout of the 2012 RPU, environmental review of

any necessary public utility projects (e.g., Liberty Utility 625/650 Line Upgrade Project) would be required to ensure that impacts are identified and mitigated. Thus, this impact would be less than significant.

The proposed amendments do not include any change to the overall number of units proposed, as there are no changes to the growth management system. While individual households may use different amounts of public utilities depending on how they are using the home, any changes are anticipated to be small relative to the overall capacity available. Thus, the proposed amendments will not result in the need for new systems, or substantial alterations to utility providers.

CEQA Questions 16.1-16.5:

Please refer TRPA questions 16.a-16.f above.

## 17. Human Health (TRPA Checklist Questions)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Creation of any health hazard or potential health hazard (excluding mental health)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exposure of people to potential health hazards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

TRPA Questions 17.a and 17.b:

The proposed amendments will not create health hazards. Individual projects must complete project-level analysis and mitigate for any temporary health hazards related to construction or storage of construction related materials.

## 18. Scenic Resources/Community Design (TRPA Checklist Questions)

Current and historic status of the scenic resources standards can be found at the links below:

- [Built Environment](#)
- [Other Areas](#)
- [Roadway and Shoreline Units](#)

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Be visible from any public recreation area or TRPA designated bicycle trail?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be inconsistent with the height and design standards required by the applicable ordinance, Community Plan, or Area Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines? ☐ ☒ ☐ ☐

## Aesthetics (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Have a substantial adverse effect on a scenic vista? (CEQA Ia)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway? (CEQA Ib)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Substantially degrade the existing visual character or quality of the site and its surroundings? (CEQA Ic)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Discussion

TRPA Questions 18.a and 18.b:

All of these responses are “no” because specific, potential impacts would be determined at the project level. At this stage of review, project-specific impacts are not known, and the existing Code requirements, along with the measures required by the amendments, would preclude significant, unmitigated, project-level impacts to scenic resources.

TRPA Questions 18.c and 18.d:

Additional height proposed for deed-restricted affordable, moderate or achievable housing has the potential to block or modify existing views and result in potentially significant impacts to scenic resources as viewed from federal/state highways, Lake Tahoe, public recreation areas, and shared-use trails. Height in excess of 26 feet is considered “additional height” and is allowed only if specific findings can be made. Increased height is currently allowed for many land use types and in many locations, subject to a variety of approval requirements. Existing opportunities for additional building height include:

- Up to 75 feet in Special Height Districts;
- Up to 95 feet in the City of South Lake Tahoe Redevelopment Area;
- Up to 56 feet for Area Plan Town Centers and certain recreation and public service buildings;
- Up to 48 feet for affordable housing projects within the Kings Beach Commercial subdistrict (formerly the Kings Beach Commercial Community Plan);
- Up to 48 feet for tourist accommodation uses within adopted Community Plan areas; and
- Up to 46 feet for a variety of environmentally beneficial design features.

Many of the redevelopment projects that have resulted in scenic improvement have utilized allowances for additional height, demonstrating that increased height and scenic improvement can occur simultaneously. Representative projects are described in 2012 RPU EIS Chapter 4, Cumulative Impacts, and in the Draft 2011 Threshold Evaluation (TRPA 2012a).

The current proposal to allow greater height for 100 percent deed-restricted affordable, moderate or achievable housing that utilize bonus units would expand existing 2012 RPU height allowances for affordable housing buildings (now capped at 56 feet) to 65 feet (with no cap on the number of building stories) in town centers, an additional 11’ of height, beyond what is allowed in Table 37.4.1 in the TRPA Code of Ordinances, for parcels that are adjacent and

contiguous to centers, and to 36 to 42 feet for multi-family zones outside of centers (now 24 to 42 feet subject to Code Section 37.4). Changes to maximum height limits (up to 56 feet) for centers was previously analyzed as part of the 2012 RPU EIS. The visual impact of such buildings would depend on several factors, including the building design, viewer location, setbacks from the roadway, view backdrop, and the landscape setting (including surrounding forest trees and other buildings).

These height amendments could increase the number of taller buildings in and adjacent to the centers, thereby increasing the overall visible mass, height, and scale of the built environment, despite the corresponding opportunities for improved building design in the case of site redevelopment. If a taller and more massive building is located between important viewer locations and the Lake, it could interfere with Lake views. Important viewer locations include TRPA roadway travel routes, public recreation areas and bike trails. If such a building is located near a designated scenic resource, the scenic quality of the designated resource could be adversely affected. Designated scenic resources are listed in the inventory maintained by TRPA and include specific views and certain physical features of the landscape.

Because the forest tree canopy is approximately 100 feet high throughout the Basin, including centers, it is unlikely that future buildings in the relatively flat centers would extend above the forest canopy where present. Taller buildings would have the potential to interrupt ridgeline views where such views exist, depending on the size of the building and its relationship to the ridgeline and the viewer; however, application of existing TRPA and local Area Plan standards for setbacks, building design, and site design would minimize ridgeline view impacts. Although aesthetically sensitive redevelopment design would create the opportunity for scenic benefits, permitting heights up to 65 feet for buildings in centers, up to 47 – 53 feet (depending on parcel slope) on parcels adjacent and contiguous to centers, and up to 36 to 42 feet (depending on parcel slope) in multi-family zones outside of centers could also result in new housing development that is incompatible with the natural, scenic, and recreational values of the Region. Despite existing scenic quality ordinances, building and site design standards, and new approval requirements for increased building height that require more stringent height limitations and/or other supplemental design standards, the impact of increased height for 100 percent deed-restricted affordable, moderate, or achievable housing would be potentially significant.

To protect scenic resources, earning the additional height proposed for 100 percent deed-restricted affordable, moderate, or achievable housing projects in centers and multi-family zones would require TRPA to make scenic resources findings similar to those currently required for additional height in the Kings Beach Commercial Community Plan (now the Placer County Tahoe Basin Area Plan). The following new or amended Code sections are included in the proposed amendment package to ensure that scenic resources are not adversely affected.

- New Code Section [13.5.3.I Height and Density Standards for Affordable, Moderate, and Achievable Housing in Centers Effective in Area Plans:](#)
  - [A. The maximum height specified in table 13.5.3-1 may be increased for residential or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable housing as described in subsection 36.13. The maximum height shall be no greater than 65', provided the additional height is stepped back one foot for each additional foot of height, additional ground level shade is not created at the winter solstice, and TRPA makes findings 1, 2, 3, 8, and 14, as set forth in Section 37.7. The project shall incorporate community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors consistent with the Design Review Guidelines.](#)
- Amend Code Section 37.5.5 Additional Building Height for Affordable, [Moderate, or Achievable](#) Housing Projects:

- A. Residential and mixed-use projects that are 100% deed-restricted to affordable, moderate, or achievable as described in subsection 36.13 and utilize bonus units may have additional building height, up to the maximum for the slope of the building site set forth in Table 37.4.4-1, with a roof pitch greater than or equal to 3:12, provided the applicants makes findings 1, 2, and 8 as set forth in Section 37.7; or
- B. Residential and mixed-use projects that are 100% deed-restricted to affordable, moderate, or achievable as described in subsection 36.13, utilize bonus units, and are located on a parcel that is adjacent and contiguous to a center may have an additional 11 feet above what is permissible in Table 37.4.4-1, provided the additional height is stepped back one foot for each additional foot of height, additional ground level shade is not created at the winter solstice, and TRPA makes findings 1, 2, 3, 8, and 14, as set forth in Section 37.7. The project shall incorporate community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors consistent with the Design Review Guidelines.

#### 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.

#### 37.7.8 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.

TRPA Threshold Indicators:

As discussed above, no significant scenic impacts are anticipated with the addition of a new code section that requires TRPA to make additional height findings for 100 percent deed-restricted affordable, moderate or achievable housing projects that utilize bonus units. Continued application of existing and proposed design standards and guidelines and maintenance of scenic quality numeric ratings will ensure improvement of overall scenic quality.

Scenic Resources: Current and historic status of the scenic resource standards can be found at the links above:

CEQA Questions 18.1-18.3:

Please refer to TRPA questions 18.c and 18.d.

## 19. Recreation (TRPA Checklist Questions)

Current and historic status of the recreation standards can be found at the links below:

- [Fair Share Distribution of Recreation Capacity](#)
- [Quality of Recreation Experience and Access to Recreational Opportunities](#)

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Create additional demand for recreation facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Create additional recreation capacity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have the potential to create conflicts between recreation uses, either existing or proposed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in a decrease or loss of public access to any lake, waterway, or public lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Recreation (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (CEQA XVIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (CEQA XVIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion

TRPA Questions 19.a and 19.c:



The proposed amendments encourage workforce housing that will help bring the permanent population back to previous Tahoe region levels, shifting expected population from seasonal workers and commuters who travel into the Basin to more evenly distributed permanent population. There could be an increase in the use of existing parks and recreation facilities due to more full-time population, but because of the historical population levels that exceed current population figures, the anticipated population increase is not expected to be a significant impact.

TRPA Questions 19.b and 19.d:

The proposal would not create additional recreation capacity or result in a decrease or loss of public access to any lake, waterway, or public lands.

TRPA Threshold Indicators:

As discussed above, the amendments are not anticipated to result in significant recreational impacts.

Recreation: Current and historic status of the recreation standards can be found at the links above:

CEQA Question 19.1:

Please refer to TRPA questions 19.a and 19.c.

CEQA Question 19.2:

Please refer to TRPA questions 19.b and 19.d.

## 20. Archaeological / Historical (TRPA Checklist Questions)

**Will the proposal result in:**

	Yes	No	No, with mitigation	Data insufficient
a. An alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Is the property associated with any historically significant events and/or sites or persons?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Tribal Cultural Resources (CEQA Checklist Questions)

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? (CEQA XVIIIa.i)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (CEQA XVIIIa.ii)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Cultural Resources (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
3. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? (CEQA Va)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (CEQA Vb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Disturb any human remains, including those interred outside of formal cemeteries? (CEQA Vc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion

TRPA Questions 20.a and 20.d:

All of these responses are “no” because specific, potential impacts would be determined at the project level. At this stage of review, project-specific impacts are not known, and the existing Code requirements, along with the measures required by the amendments, would preclude significant, unmitigated, project-level impacts to cultural and tribal cultural resources.

TRPA Questions 20.b, 20.c, and 20.e:

The proposed amendments would not change the likelihood of projects being located on properties with known cultural, historical, and/or archeological resources, tribal cultural resources or properties associated with any historically significant events, sites, or persons. Nor would the proposed amendments restrict historic or pre-historic religious or sacred uses.

Please refer to TRPA questions 20.b, 20.c and 20.e.

## 21. Agriculture and Forestry Resources (CEQA Checklist Questions)

### Would the Project:

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the CA Resources Agency, to a non-agricultural use? (CEQA IIa)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (CEQA IIb)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g), timberland (as defined by Public Resource Code section 4526) or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (CEQA IIc)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Result in the loss of forest land or conversion of forest land to non-forest use? (CEQA IId)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (CEQA IIe)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

CEQA Questions 21.1, 21.2 and 21.5

The locations where housing development may occur under the proposed amendments are partially developed and not located in an area identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency.

CEQA Questions 21.3, 21.4 and 21.5

Public Resources Code section 12220(g) defines forest land as, "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits." Since the locations where housing development may occur under the proposed amendments are already partially developed and located in Centers, areas zoned for multi-family housing and the bonus unit boundary, such canopy coverage does not typically exist. The amendments conflict with no zoning of and cause no rezoning of forest land, timberland or timberland zoned Timberland Production.

## 22. Cumulative/Synergistic Impacts

The Regional Plan, Code of Ordinances and adopted local jurisdiction Area Plans are a collection of both short- and long-term goals, policies, and measures designed to guide development and support the Region in attaining environmental thresholds and other important objectives. These goals, policies, and measures are inherently cumulative in nature as they are applied over a long-term basis, for the planning area as a whole, and in compliance with local jurisdiction and TRPA goals, policies, measures, and thresholds.

The proposed amendments do not include changes to regional growth restrictions that would be cumulatively considerable. The density, height, land coverage and parking amendments allow for greater flexibility in the design and financing for 100 percent deed-restricted affordable, moderate or achievable housing developments that utilize bonus units but maintains the existing land use designations for Centers and multi-family zones, thereby restricting the potential for cumulatively considerable impacts. The amendments do not propose any changes to the overall growth allowed in the Basin by the Regional Plan, nor would they cumulatively contribute to changes to the overall growth allowed when other projects or future Area Plan amendments are considered.

## 23. Findings of Significance

	Yes	No	No, with mitigation	Data insufficient
f. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion

TRPA Questions 23.a, 23.b and 23.d:

All of these responses are “no” because specific, potential impacts would be determined at the project level. At this stage of review, project-specific impacts are not known, and the existing Code requirements, along with the measures required by the amendments, would preclude significant, unmitigated, project-level impacts.

TRPA Question 23.c:

Please refer to Section 22 above.



## DECLARATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature:



Alyssa Bettinger at Tahoe Regional  
Planning Agency

12/5/23

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Person preparing application

County

Date

**Applicant Written Comments:** (Attach additional sheets if necessary)

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## Determination:

### On the basis of this evaluation:

- a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure ☐ YES ☒ NO
- b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures. ☒ YES ☐ NO
- c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedures. ☐ YES ☒ NO



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Signature of Evaluator

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Alyssa Bettinger, Senior Planner

Title of Evaluator

Date 12/5/23

Attachment A  
Exhibit 2: Compliance Measures Evaluation



## Exhibit 2 - COMPLIANCE MEASURES PHASE 2 HOUSING AMENDMENTS

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
WATER QUALITY/SEZ - IN PLACE				
1	BMP requirements, new development: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	The proposed amendments make no changes to BMP requirements and implementation programs. The amendments would go further in ensuring that stormwater is treated onsite through the involvement of a public entity to manage and maintain private BMPs.
2	BMP implementation program -- existing streets and highways: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Trans, Fish	N	
3	BMP implementation program -- existing urban development: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	
4	BMP implementation program -- existing urban drainage systems: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Trans, Fish	N	
5	Capital Improvements Program for Erosion and Runoff Control	WQ, Soils/SEZ, Trans, Fish	N	The proposed amendments make no changes to policies that would impact the Capital Improvement Program for Erosion and Runoff Control.
6	Excess land coverage mitigation program: <i>Code of Ordinances</i> Chapter 30	WQ, Soils/SEZ	N	The proposed amendments do not change excess mitigation requirements.
7	Effluent (Discharge) limitations: California (SWRCB, Lahontan Board) and Nevada (NDEP): <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	The effluent limitations in Chapter 5 of the TRPA Code of Ordinances are not being modified.
8	Limitations on new subdivisions: (See the Goals and Policies: Land Use Element)	WQ, Soils/SEZ, Rec, Scenic	N	New subdivisions will continue to be limited by the provisions in Chapter 39, Subdivision, of the TRPA Code of Ordinances. There is no change to limitations on new subdivisions.

<b>ID</b>	<b>Compliance Measure Description</b>	<b>Affected Threshold Categories</b>	<b>Affected by Action (Y/N)</b>	<b>Comments</b>
9	Land use planning and controls: See the Goals and Policies: Land Use Element and Code of Ordinances Chapters 11, 12, 13, 14, and 21	WQ, Soils/SEZ, Trans, Scenic	<b>Y</b>	The Phase 2 Housing Amendments amend Chapter 13 to allow additional density and height in area plans.
10	Residential development priorities, The Individual Parcel Evaluation System (IPES): Goals and Policies: Implementation Element and Code of Ordinances Chapter 53	WQ, Soils/SEZ	<b>N</b>	TRPA's residential growth management provisions and Individual Parcel Evaluation System (IPES) will remain in effect and unchanged.
11	Limits on land coverage for new development: Goals and Policies: Land Use Element and Code of Ordinances Chapter 30	WQ, Soils/SEZ, Scenic	<b>Y</b>	The Phase 2 Housing Amendments amend Chapter 30 to allow up to 100% coverage in centers and up to 70% coverage within areas zoned for multi-family. Coverage transfer requirements remain in place with no changes. Projects will continue to be required to treat stormwater runoff from additional coverage either onsite through the use of BMPs or offsite by constructing or contributing to an area-wide stormwater treatment system.
12	Transfer of development: Goals and Policies: Land Use Element and Implementation Element	WQ, Soils/SEZ	<b>Y</b>	The Phase 2 Housing Amendments are consistent with the Regional Plan strategies to focus development near centers and transit. The amendments further incentive transfers of equal or more sensitive coverage onto higher-capability lands in and near centers. The amendments continue to incentivize development near transit and near town centers by supporting higher residential densities and reduced parking.
13	Restrictions on SEZ encroachment and vegetation alteration: <i>Code of Ordinances Chapters 30 and 61</i>	WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec, Scenic	<b>N</b>	The amendments will not alter existing restrictions on SEZ encroachment and vegetation alteration in the TRPA Code of Ordinances, Chapters 30 and 61.

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
14	SEZ restoration program: Environmental Improvement Program.	WQ, Soils/SEZ, Veg, Wildlife, Fish, Scenic	N	The amendments do not change policies and provisions that require the protection and restoration of SEZs.
15	SEZ setbacks: <i>Code of Ordinances</i> Chapter 53	WQ, Soils/SEZ, Veg, Wildlife, Fish	N	SEZ setback requirements in the TRPA Code of Ordinances, Chapter 53, Individual Parcel Evaluation System, Section 53.9, will not be altered by the amendments.
16	Fertilizer reporting requirements: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish, Rec	N	The amendments will not modify the Resource Management and Protection regulations, Chapters 60 through 68, of the TRPA Code of Ordinances. Thus, fertilizer reporting and water quality mitigation requirements will stay in effect.
17	Water quality mitigation: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
18	Restrictions on rate and/or amount of additional development	WQ, Soils/SEZ, Wildlife, Scenic	N	The Phase 2 Housing Amendments do not change the rate of allocation distribution or add any new development potential.
19	Improved BMP implementation/enforcement program	WQ, Soils/SEZ	Y	See response to Compliance Measures 1 through 4. The amendments may lead to increased BMP maintenance as there will be additional public oversight of BMP maintenance and compliance.
20	Increased funding for EIP projects for erosion and runoff control	WQ, Soils/SEZ	Y	The amendments would allow developers to have higher coverage in exchange for financial contributions to construct a new area-wide stormwater treatment system or participate in an existing area-wide stormwater treatment system.
21	Artificial wetlands/runoff treatment program	WQ, Soils/SEZ	N	There are no changes to the artificial wetlands/runoff treatment program proposed.
22	Transfer of development from SEZs	WQ, Soils/SEZ, Scenic	N	The amendments do not affect existing provisions regarding the transfer of development from SEZs.

<b>ID</b>	<b>Compliance Measure Description</b>	<b>Affected Threshold Categories</b>	<b>Affected by Action (Y/N)</b>	<b>Comments</b>
23	Improved mass transportation	WQ, Trans, Noise	<b>Y</b>	The amendments do not directly improve mass transportation, however they may indirectly support mass transportation systems by facilitating and better incentivizing new residential development in centers and multi-family areas that are in close proximity to transit, providing additional demand.
24	Redevelopment and redirection of land use: Goals and Policies: Land Use Element and Code of Ordinances Chapter 13	WQ, Soils/SEZ, Scenic	<b>Y</b>	The Phase 2 Housing Amendments specifically encourage the redirection of residential land uses to areas well-served by transit and services by allowing higher residential densities in centers and areas zoned for multi-family.
25	Combustion heater rules, stationary source controls, and related rules: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	<b>N</b>	The amendments do not alter existing TRPA Code of Ordinance provisions concerning combustion heaters, stationary source controls, sewage transport, treatment, or release, garbage or hazardous materials and waste.
26	Elimination of accidental sewage releases: Goals and Policies: Land Use Element	WQ, Soils/SEZ	<b>N</b>	
27	Reduction of sewer line exfiltration: Goals and Policies: Land Use Element	WQ, Soils/SEZ	<b>N</b>	
28	Effluent limitations	WQ, Soils/SEZ	<b>N</b>	
29	Regulation of wastewater disposal at sites not connected to sewers: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	<b>N</b>	
30	Prohibition on solid waste disposal: Goals and Policies: Land Use Element	WQ, Soils/SEZ	<b>N</b>	
31	Mandatory garbage pick-up: Goals and Policies: Public Service Element	WQ, Soils/SEZ, Wildlife	<b>N</b>	
32	Hazardous material/wastes programs: Goals and Policies: Land Use Element and Code of Ordinances Chapter 60	WQ, Soils/SEZ	<b>N</b>	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
33	BMP implementation program, Snow and ice control practices: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, AQ	N	The amendments will not change BMP requirements. See response to Compliance Measures 1 through 4.
34	Reporting requirements, highway abrasives and deicers: Goals and Policies;, Land Use Element and Code of Ordinances Chapter 60	WQ, Soils/SEZ, Fish	N	
35	BMP implementation program--roads, trails, skidding, logging practices: <i>Code of Ordinances</i> Chapter 60, Chapter 61	WQ, Soils/SEZ, Fish	N	
36	BMP implementation program--outdoor recreation: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish, Rec	N	
37	BMP implementation program--livestock confinement and grazing: <i>Code of Ordinances</i> Chapter 21, Chapter 60, Chapter 64	WQ, Soils/SEZ, Veg, Wildlife, Fish	N	
38	BMP implementation program--pesticides	WQ, Soils/SEZ	N	
39	Land use planning and controls -- timber harvesting: <i>Code of Ordinances</i> Chapter 21	WQ, Soils/SEZ, AQ, Wildlife, Fish, Scenic	N	There are no changes to allowable timber harvesting requirements or permissibility as part of the amendments.
40	Land use planning and controls - outdoor recreation: <i>Code of Ordinances</i> Chapter 21	WQ, Soils/SEZ, Wildlife, Noise, Rec, Scenic	N	There are no changes to outdoor recreation requirements or permissibility as part of this proposal.

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
41	Land use planning and controls--ORV use: Goals and Policies: Recreation Element	WQ, Soils/SEZ, AQ, Wildlife, Fish, Noise, Rec, Scenic	N	There are no changes to off-road vehicle use as part of this proposal.
42	Control of encroachment and coverage in sensitive areas	WQ, Soils/SEZ, Wildlife, Rec, Scenic	N	No changes to coverage regulations or regulations related to encroachment into sensitive areas are included in the amendments.
43	Control on shorezone encroachment and vegetation alteration: <i>Code of Ordinances</i> Chapter 83	WQ, Soils/SEZ, Scenic	N	No changes are being proposed that would modify existing code provisions related to the shorezone or impact these compliance measures.
44	BMP implementation program--shorezone areas: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
45	BMP implementation program--dredging and construction in Lake Tahoe: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
46	Restrictions and conditions on filling and dredging: <i>Code of Ordinances</i> Chapter 84	WQ, Soils/SEZ, Fish	N	
47	Protection of stream deltas	WQ, Soils/SEZ, Wildlife, Fish, Scenic	N	
48	Marina master plans: <i>Code of Ordinances</i> Chapter 14	WQ, AQ/Trans, Fish, Scenic	N	
49	Additional pump-out facilities: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
50	Controls on anti-fouling coatings: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	
51	Modifications to list of exempt activities	WQ, Soils/SEZ	N	The amendments do not alter the list of exempt activities.
WATER QUALITY/SEZ – SUPPLEMENTAL				
52	More stringent SEZ encroachment rules	WQ, Soils/SEZ, Wildlife, Fish	N	The amendments do not include any provisions that would impact Compliance Measures 52 though 61.
53	More stringent coverage transfer requirements	WQ, Soils/SEZ	N	
54	Modifications to IPES	WQ, Soils/SEZ	N	
55	Increased idling restrictions	WQ, Soils/SEZ, AQ	N	
56	Control of upwind pollutants	WQ, Soils/SEZ, AQ	N	
57	Additional controls on combustion heaters	WQ, Soils/SEZ, AQ	N	
58	Improved exfiltration control program	WQ, Soils/SEZ	N	
59	Improved infiltration control program	WQ, Soils/SEZ	N	
60	Water conservation/flow reduction program	WQ, Soils/SEZ, Fish	N	
61	Additional land use controls	WQ, Soils/SEZ, Wildlife	N	
AIR QUALITY/TRANSPORTATION - IN PLACE				
62	Fixed Route Transit - South Shore	Trans, Rec	N	As noted in Compliance Measure 23, above, the amendments do not change plans or goals

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
63	Fixed Route Transit - North Shore: TART	Trans, Rec	N	and policies related to transit or active transportation, but they will support transit indirectly by directing new residential development to areas served by transit and active transportation facilities. Projects may help implement bicycle and pedestrian infrastructure directly adjacent to where they are proposed.
64	Demand Responsive Transit - South Shore	Trans	N	
65	Seasonal Trolley Services - North and South Shores: South Shore TMA and Truckee-North Tahoe TMA	Trans, Rec	N	
66	Social Service Transportation	Trans	N	
67	Shuttle programs	Trans	N	
68	Ski shuttle services	Trans, Rec	N	
69	Intercity bus services	Trans	N	
70	Passenger Transit Facilities: South Y Transit Center	Trans	N	
71	Bikeways, Bike Trails	Trans, Noise, Rec, Scenic	N	
72	Pedestrian facilities	Trans, Rec, Scenic	N	
73	Wood heater controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	The amendments do not make any changes to wood or gas heater controls, or stationary source controls.
74	Gas heater controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	
75	Stationary source controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	
76	U.S. Postal Service Mail Delivery	Trans	N	The amendments do not include any provisions that would impact U.S. Postal Service Delivery.
77	Indirect source review/air quality mitigation: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	The amendments do not make any changes to indirect source review/air quality mitigation requirements, or idling restrictions.
78	Idling Restrictions: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	



ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
79	Vehicle Emission Limitations (State/Federal)	WQ, AQ	N	The amendments do not include any provisions related to vehicle emission limitations established by the State/Federal Government.
80	Open Burning Controls: <i>Code of Ordinances</i> Chapters 61 and Chapter 65	WQ, AQ, Scenic	N	The amendments do not make any changes to open burning controls.
81	BMP and Revegetation Practices	WQ, AQ, Wildlife, Fish	N	See response to Compliance Measures 1 through 4.
82	Employer-based Trip Reduction Programs: <i>Code of Ordinances</i> Chapter 65	Trans	N	The amendments do not make any changes to the employer-based trip reduction programs or vehicle rental programs described in Chapter 65.
83	Vehicle rental programs: <i>Code of Ordinances</i> Chapter 65	Trans	N	
84	Parking Standards	Trans	Y	The amendments reduce parking requirements for deed restricted housing and allow project applicants to determine adequate amount of parking for the project based on demand. The amendments do not make any changes related to parking management areas, parking fees, or parking facilities.
85	Parking Management Areas	Trans	N	
86	Parking Fees	Trans	N	
87	Parking Facilities	Trans	N	
88	Traffic Management Program - Tahoe City	Trans	N	The amendments do not make any changes that would impact traffic management, signal synchronization, aviation, waterborne transit or excursions, air quality monitoring, alternative fueled vehicle fleets or infrastructure improvements, north shore transit, or the Heavenly Ski Resort Gondola.
89	US 50 Traffic Signal Synchronization - South Shore	Trans	N	
90	General Aviation, The Lake Tahoe Airport	Trans, Noise	N	
91	Waterborne excursions	WQ, Trans, Rec	N	
92	Waterborne transit services	WQ, Trans, Scenic	N	
93	Air Quality Studies and Monitoring	WQ, AQ	N	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
94	Alternate Fueled Vehicle - Public/Private Fleets and Infrastructure Improvements	Trans	N	
95	Demand Responsive Transit - North Shore	Trans	N	
96	Tahoe Area Regional Transit Maintenance Facility	Trans	N	
97	Heavenly Ski Resort Gondola	Trans	N	
AIR QUALITY/TRANSPORTATION – SUPPLEMENTAL				
98	Demand Responsive Transit - North Shore	Trans	N	See response to Compliance Measures 23, 62 through 97, and 1-4 (Road improvements, BMPs).
99	Transit System - South Shore	Trans	N	
100	Transit Passenger Facilities	Trans	N	
101	South Shore Transit Maintenance Facility - South Shore	Trans	N	
102	Transit Service - Fallen Leaf Lake	WQ, Trans	N	
103	Transit Institutional Improvements	Trans	N	
104	Transit Capital and Operations Funding Acquisition	Trans	N	
105	Transit/Fixed Guideway Easements - South Shore	Trans	N	
106	Visitor Capture Program	Trans	N	
107	Pedestrian and Bicycle Facilities--South Shore	Trans, Rec	N	
108	Pedestrian and Bicycle Facilities--North Shore	Trans, Rec	N	
109	Parking Inventories and Studies Standards	Trans	N	

<b>ID</b>	<b>Compliance Measure Description</b>	<b>Affected Threshold Categories</b>	<b>Affected by Action (Y/N)</b>	<b>Comments</b>
110	Parking Management Areas	Trans	<b>N</b>	
111	Parking Fees	Trans	<b>N</b>	
112	Establishment of Parking Task Force	Trans	<b>N</b>	
113	Construct parking facilities	Trans	<b>N</b>	
114	Intersection improvements--South Shore	Trans, Scenic	<b>N</b>	
115	Intersection improvements--North Shore	Trans, Scenic	<b>N</b>	
116	Roadway Improvements - South Shore	Trans, Scenic	<b>N</b>	
117	Roadway Improvements - North Shore	Trans, Scenic	<b>N</b>	
118	Loop Road - South Shore	Trans, Scenic	<b>N</b>	
119	Montreal Road Extension	Trans	<b>N</b>	
120	Kingsbury Connector	Trans	<b>N</b>	
121	Commercial Air Service: Part 132 commercial air service	Trans	<b>N</b>	
122	Commercial Air Service: commercial air service that does not require Part 132 certifications	Trans	<b>N</b>	
123	Expansion of waterborne excursion service	WQ, Trans	<b>N</b>	
124	Re-instate the oxygenated fuel program	WQ, AQ	<b>N</b>	
125	Management Programs	Trans	<b>N</b>	
126	Around the Lake Transit	Trans	<b>N</b>	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
<b>VEGETATION - IN PLACE</b>				
127	Vegetation Protection During Construction: <i>Code of Ordinances</i> Chapter 33	WQ, AQ, Veg, Scenic	<b>N</b>	The amendments will not alter the provisions of Chapter 33 in the TRPA Code of Ordinances.
128	Tree Removal: <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Scenic	<b>N</b>	The amendments do not alter tree removal, prescribed burning, vegetation management or plant protection and fire hazard reduction provisions of Chapter 61 of the Code.
129	Prescribed Burning: <i>Code of Ordinances</i> Chapter 61	WQ, AQ, Veg, Wildlife, Scenic	<b>N</b>	
130	Remedial Vegetation Management: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife	<b>N</b>	
131	Sensitive and Uncommon Plant Protection and Fire Hazard Reduction: <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Scenic	<b>N</b>	
132	Revegetation: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife, Scenic	<b>N</b>	
133	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	WQ, Veg	<b>N</b>	The amendments do not alter remedial action plan requirements.
134	Handbook of Best Management Practices	WQ, Soils/SEZ, Veg, Fish	<b>N</b>	The Handbook of Best Management Practices will continue to be used to design and construct BMPs.
135	Shorezone protection	WQ, Soils/SEZ, Veg	<b>N</b>	See response to Compliance Measures 43 through 50.
136	Project Review	WQ, Veg	<b>N</b>	The amendments do not make any changes to the project review process or compliance inspections.
137	Compliance inspections	Veg	<b>N</b>	
138	Development Standards in the Backshore	WQ, Soils/SEZ, Veg, Wildlife, Scenic	<b>N</b>	See response to Compliance Measures 43 through 50.

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
139	Land Coverage Standards: <i>Code of Ordinances</i> Chapter 30	WQ, Veg, Wildlife, Fish, Scenic	Y	See response to Compliance Measure 11.
140	Grass Lake, Research Natural Area	WQ, Veg, Wildlife, Fish, Scenic	N	N/A
141	Conservation Element, Vegetation Subelement: Goals and Policies	Veg, Wildlife, Fish	N	The amendments are consistent with the 2012 Regional Plan, including the Conservation Element and Vegetation Subelement Goals and Policies.
142	Late Successional Old Growth (LSOG): <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Fish	N	The amendments do not make any changes to provisions of Lake Successional Old Growth and Stream Environment Zone Vegetation.
143	Stream Environment Zone Vegetation: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife, Fish	N	
144	Tahoe Yellow Cress Conservation Strategy	Veg	N	The amendments do not impact efforts to conserve the Tahoe Yellow Cress.
145	Control and/or Eliminate Noxious Weeds	Veg, Wildlife	N	The amendments will not impact efforts to control or eliminate noxious weeks.
146	Freel Peak Cushion Plant Community Protection	Veg	N	N/A
<b>VEGETATION – SUPPLEMENTAL</b>				
147	Deepwater Plant Protection	WQ, Veg	N	See response to Compliance Measures 16 and 17 and 43 through 50.
<b>WILDLIFE - IN PLACE</b>				
148	Wildlife Resources: <i>Code of Ordinances</i> Chapter 62	Wildlife, Noise	N	See response to Compliance Measures 16 and 17.
149	Stream Restoration Program	WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec, Scenic	N	The amendments do not include any changes to the Stream Restoration Program.

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
150	BMP and revegetation practices	WQ, Veg, Wildlife, Fish, Scenic	N	The amendments do not include any changes to existing BMP and revegetation requirements.
151	OHV limitations	WQ, Soils/SEZ, AQ, Wildlife, Noise, Rec	N	The amendments do not include any changes to OHV limitations.
152	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	Wildlife	N	See response to Compliance Measure 133.
153	Project Review	Wildlife	N	See response to Compliance Measure 136 and 137.
<b>FISHERIES - IN PLACE</b>				
156	Fish Resources: <i>Code of Ordinances</i> Chapter 63	WQ, Fish	N	See response to Compliance Measures 16 and 17.
157	Tree Removal: <i>Code of Ordinances</i> Chapter 61	Wildlife, Fish	N	The amendments do not change tree removal provisions of Chapter 61.
158	Shorezone BMPs	WQ, Fish	N	See response to Compliance Measures 43 through 50.
159	Filling and Dredging: <i>Code of Ordinances</i> Chapter 84	WQ, Fish	N	
160	Location standards for structures in the shorezone: <i>Code of Ordinances</i> Chapter 84	WQ, Fish	N	
161	Restrictions on SEZ encroachment and vegetation alteration	WQ, Soils/SEZ, Fish	N	See response to Compliance Measures 16 and 17.
162	SEZ Restoration Program	WQ, Soils/SEZ, Fish	N	See response to Compliance Measure 14.
163	Stream restoration program	WQ, Soils/SEZ, Fish	N	See response to Compliance Measures 16 and 17.
164	Riparian restoration	WQ, Soils/SEZ, Fish	N	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
165	Livestock: <i>Code of Ordinances</i> Chapter 64	WQ, Soils/SEZ, Fish	N	
166	BMP and revegetation practices	WQ, Fish	N	See response to Compliance Measures 1 through 4.
167	Fish habitat study	Fish	N	See response to Compliance Measures 16 and 17.
168	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	Fish	N	See response to Compliance Measure 133.
169	Mitigation Fee Requirements: <i>Code of Ordinances</i> Chapter 86	Fish	N	The mitigation fee requirements formerly in Chapter 86 of the TRPA Code of Ordinances (now in the Rules of Procedure) are not being modified.
170	Compliance inspection	Fish	N	The amendments are not modifying existing compliance or inspection programs or provisions.
171	Public Education Program	Wildlife, Fish	N	The amendments do not make any changes to education and outreach efforts for wildlife and fish.
<b>NOISE - IN PLACE</b>				
172	Airport noise enforcement program	Wildlife, Fish	N	The amendments are not modifying existing enforcement programs.
173	Boat noise enforcement program	Wildlife, Fish, Rec	N	
174	Motor vehicle/motorcycle noise enforcement program: <i>Code of Ordinances</i> Chapters 5 and 23	Wildlife, Fish	N	
175	ORV restrictions	AQ, Wildlife, Noise, Rec	N	The amendments are not modifying existing ORV or snowmobile conditions.
176	Snowmobile Restrictions	WQ, Wildlife, Noise, Rec	N	
177	Land use planning and controls	Wildlife, Noise	N	See response to Compliance Measure 9. There are no changes to allowed uses.

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
178	Vehicle trip reduction programs	Trans, Noise	N	The amendments do not make any changes to vehicle trip reduction programs. Developments may provide trip reduction strategies as part of the project in order to reduce the demand for parking.
179	Transportation corridor design criteria	Trans, Noise	N	The amendments do not make any changes to transportation corridor design criteria.
180	Airport Master Plan South Lake Tahoe	Trans, Noise	N	N/A
181	Loudspeaker restrictions	Wildlife, Noise	N	The amendments are not modifying loudspeaker restrictions.
182	Project Review	Noise	N	See response to Compliance Measures 136 and 137.
183	Complaint system: <i>Code of Ordinances</i> Chapters 5 and 68	Noise	N	Existing complaint systems are not being modified by the amendments.
184	Transportation corridor compliance program	Trans, Noise	N	None of these compliance measures will be modified with the proposal.
185	Exemptions to noise limitations	Noise	N	
186	TRPA's Environmental Improvement Program (EIP)	Noise	N	
187	Personal watercraft noise controls	Wildlife, Noise	N	
NOISE – SUPPLEMENTAL				
188	Create an interagency noise enforcement MOU for the Tahoe Region.	Noise	N	An interagency noise enforcement MOU for the Tahoe Region is not being proposed as part of this set of amendments.
RECREATION - IN PLACE				
189	Allocation of Development: <i>Code of Ordinances</i> Chapter 50	Rec	N	See response to Compliance Measures 10 and 18. There are no changes to the allocation of development.
190	Master Plan Guidelines: <i>Code of Ordinances</i> Chapter 14	Rec, Scenic	N	No changes to master plans requirements are included as part of this amendment.



ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
191	Permissible recreation uses in the shorezone and lake zone: <i>Code of Ordinances</i> Chapter 81	WQ, Noise, Rec	N	See response to Compliance Measures 43 through 50.
192	Public Outdoor recreation facilities in sensitive lands	WQ, Rec, Scenic	N	The amendments are not altering provisions regarding public outdoor recreation in sensitive lands.
193	Hiking and riding facilities	Rec	N	The amendments are not altering where hiking and riding facilities are permissible. See also Compliance Measure 40.
194	Scenic quality of recreation facilities	Rec, Scenic	N	The amendments do not include any changes to provisions related to scenic quality of recreation facilities.
195	Density standards	Rec	Y	The amendments exempt 100% deed restricted affordable, moderate, or achievable housing developments that use bonus units from existing density standards in Table 31.3.2.
196	Bonus incentive program	Rec	N	The amendments do not change the amount of bonus units available or where they can be distributed. The amendments would encourage more dense bonus unit distribution in town centers and areas already zoned for multi-family.
197	Required Findings: <i>Code of Ordinances</i> Chapter 4	Rec	N	The amendments do not affect required findings.
198	Lake Tahoe Recreation Sign Guidelines	Rec, Scenic	N	The amendments will not impact the Lake Tahoe Recreation Sign Guidelines.
199	Annual user surveys	Rec	N	The amendments will not affect user surveys.
<b>RECREATION – SUPPLEMENTAL</b>				
200	Regional recreational plan	Rec	N	The amendments do not modify any portion of the Goals and Policies in the Regional Recreation Plan, which is the Recreation Element in the Regional Plan.
201	Establish fairshare resource capacity estimates	Rec	N	The amendments do not establish or alter fair share resource capacity estimates, alter reservations of additional resource capacity, or include economic modeling.
202	Reserve additional resource capacity	Rec	N	
203	Economic Modeling	Rec	N	

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
<b>SCENIC - IN PLACE</b>				
204	Project Review and Exempt Activities: <i>Code of Ordinances</i> Chapter 2	Scenic	<b>N</b>	See response to Compliance Measures 136 and 137.
205	Land Coverage Limitations: <i>Code of Ordinances</i> Chapter 30	WQ, Scenic	<b>Y</b>	See response to Compliance Measure 11.
206	Height Standards: <i>Code of Ordinances</i> Chapter 37	Scenic	<b>Y</b>	The amendments would allow an additional nine feet of height in town centers, an additional 11 feet of height on parcels adjacent and contiguous to town centers and more flexible roof pitch in areas zoned for multi-family housing. Projects must make specific findings that prevent view obstruction and scenic impacts, require building articulation and step backs, and prevent shadows on adjacent buildings.
207	Driveway and Parking Standards: <i>Code of Ordinances</i> Chapter 34	Trans, Scenic	<b>Y</b>	See response to compliance measure 84-87.
208	Signs: <i>Code of Ordinances</i> Chapter 38	Scenic	<b>N</b>	The amendments do not make changes to design standards and guidelines relating to signage.
209	Historic Resources: <i>Code of Ordinances</i> Chapter 67	Scenic	<b>N</b>	See response to Compliance Measures 16 and 17.
210	Design Standards: <i>Code of Ordinances</i> Chapter 36	Scenic	<b>Y</b>	The amendments add design standards in Chapter 36 for mixed-use developments with a residential component that is 100% deed restricted affordable, moderate, or achievable. The standards ensure that the ground floor of the development is public, and promotes pedestrian accessibility and parking is designed to limit pedestrian conflict.
211	Shorezone Tolerance Districts and Development Standards: <i>Code of Ordinances</i> Chapter 83	Scenic	<b>N</b>	See response to Compliance Measures 43 through 50.

ID	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
212	Development Standards Lakeward of Highwater: <i>Code of Ordinances</i> Chapter 84	WQ, Scenic	N	
213	Grading Standards: <i>Code of Ordinances</i> Chapter 33	WQ, Scenic	N	Grading and vegetation protection during construction shall continue to meet the provisions of the TRPA Code of Ordinances, Chapter 33, Grading and Construction.
214	Vegetation Protection During Construction: <i>Code of Ordinances</i> Chapter 33	AQ, Veg, Scenic	N	
215	Revegetation: <i>Code of Ordinances</i> Chapter 61	Scenic	N	See response to Compliance Measures 16 and 17.
216	Design Review Guidelines	Scenic	N	The amendments do not make any changes to the Design Review Guidelines. Projects will continue to be subject to the Design Review Guidelines during application review.
217	Scenic Quality Improvement Program(SQIP)	Scenic	N	The amendments do not conflict with the SQIP and are not anticipated to impact scenic ratings. The recommendations could improve scenic quality ratings as new projects undergoing redevelopment along scenic resource areas will provide an opportunity to improve scenic quality ratings.
218	Project Review Information Packet	Scenic	N	
219	Scenic Quality Ratings, Features Visible from Bike Paths and Outdoor Recreation Areas Open to the General Public	Trans, Scenic	N	
220	Nevada-side Utility Line Undergrounding Program	Scenic	N	N/A
<b>SCENIC – SUPPLEMENTAL</b>				
221	Real Time Monitoring Program	Scenic	N	No changes to the real time monitoring program are being proposed.
222	Integrate project identified in SQIP	Scenic	N	The amendment does not include projects identified in the SQIP.

Attachment B  
Summary of Regional Plan and Code Amendments/Rationale

## ATTACHMENT B – REGIONAL PLAN AND CODE OF ORDINANCE AMENDMENTS SUMMARY

### Regional Plan Amendments

Section	Rationale	Proposed Code Language <u>(new language shown in red Track Changes, language changes since RPIC shown in blue)</u>																				
LU-2.11	Amend coverage policies to allow higher than 70% coverage in centers with transfer of coverage.	<p><b>LU-2.10 Allowed Base Land Coverage for all new projects and activities shall be calculated by applying the Bailey Coefficients, as shown below, to the applicable area within the parcel boundary, or as otherwise set forth in A, B, and C, of this policy.</b></p> <table><tr><th>LAND CAPABILITY DISTRICT</th><th>MAXIMUM ALLOWED LAND COVERAGE</th></tr><tr><td>1a</td><td>1 percent</td></tr><tr><td>1b</td><td>1 percent</td></tr><tr><td>1c</td><td>1 percent</td></tr><tr><td>2</td><td>1 percent</td></tr><tr><td>3</td><td>5 percent</td></tr><tr><td>4</td><td>20 percent</td></tr><tr><td>5</td><td>25 percent</td></tr><tr><td>6</td><td>30 percent</td></tr><tr><td>7</td><td>30 percent</td></tr></table> <p>A. In the case of subdivisions approved by TRPA in conformance with the coefficients coverages assigned to individual lots shall be the allowed base coverage for those lots. A list of such TRPA-approved subdivisions appears in Attachment 2</p> <p>B. In the case of existing planned unit developments (PUDs) not in conformance with the coefficients, the coefficients shall apply to the entire project area minus public rights-of-way, and the allowed base coverage shall be apportioned to the individual lots or building sites, and common area facilities. A list of such PUDs appears in Attachment 3</p> <p>C. After December 31, 1988, for vacant residential parcels evaluated under the Individual Parcel Evaluation System (IPES), the allowable base land coverage shall be a function of a</p>	LAND CAPABILITY DISTRICT	MAXIMUM ALLOWED LAND COVERAGE	1a	1 percent	1b	1 percent	1c	1 percent	2	1 percent	3	5 percent	4	20 percent	5	25 percent	6	30 percent	7	30 percent
LAND CAPABILITY DISTRICT	MAXIMUM ALLOWED LAND COVERAGE																					
1a	1 percent																					
1b	1 percent																					
1c	1 percent																					
2	1 percent																					
3	5 percent																					
4	20 percent																					
5	25 percent																					
6	30 percent																					
7	30 percent																					

		<p>parcel's combined score under the IPES criteria for relative erosion hazard and runoff potential as correlated with the above coefficients and applied to the designated evaluation area. The method of calculation of allowed land coverages shall be detailed in the implementing ordinances consistent with the above policy.</p> <p><b>LU-2.11 The allowed coverage in policy LU-2.10 may be increased by transfer of land coverage within hydrologically related areas up to the limits as set forth in this policy:</b></p> <p><b>Special provisions for additional coverage, such as exceptionally long driveways, pervious coverage, public trails and access for the disabled, may also be allowed, Ordinances shall specifically limit and define these programs.</b></p> <p><b>Land coverage may be transferred through programs that are further described in the implementation element. Notwithstanding the limitation stated above, land coverage may be transferred across hydrologically related areas when existing hard or soft coverage is transferred and retired from sensitive land transferred to non-sensitive land further than 300 feet from the high water line of Lake Tahoe, or on the landward side of Highways 28 or 89 in the Tahoe City of Kings Beach Town Centers.</b></p> <p>The intent of the land coverage transfer programs is to allow greater flexibility in the placement of land coverage. Such programs include the use of land banks, lot consolidation, land coverage restoration programs, <u>programs to encourage concentration of development</u>, and transfer programs based on the calculation of land coverage on non-contiguous parcels. The coverage transfer programs allow for coverage over base coverage to be permitted and still be consistent with the soils threshold and Goal LU-2 of this Subelement.</p> <p>A. Single Family Residential: The maximum land coverage allowed (Base + Transfer) on a parcel through a transfer program shall be as set forth below:</p> <table><tr><th><u>Parcel Size (Square Feet)</u></th><th><u>Land Coverage</u></th></tr><tr><td>0 - 4,000</td><td>Base Land Coverage as Set Forth in <i>Policy LU-2.10</i></td></tr><tr><td>4,001 - 9,000</td><td>1,800 sq. ft.</td></tr></table>	<u>Parcel Size (Square Feet)</u>	<u>Land Coverage</u>	0 - 4,000	Base Land Coverage as Set Forth in <i>Policy LU-2.10</i>	4,001 - 9,000	1,800 sq. ft.
<u>Parcel Size (Square Feet)</u>	<u>Land Coverage</u>							
0 - 4,000	Base Land Coverage as Set Forth in <i>Policy LU-2.10</i>							
4,001 - 9,000	1,800 sq. ft.							

<u>Parcel Size (Square Feet)</u>	<u>Land Coverage</u>
9,001 - 14,000	20 percent
14,001 - 16,000	2,900 sq. ft.
16,001 - 20,000	3,000 sq. ft.
20,001 - 25,000	3,100 sq. ft.
25,001 - 30,000	3,200 sq. ft.
30,001 - 40,000	3,300 sq. ft.
40,001 - 50,000	3,400 sq. ft.
50,001 - 70,000	3,500 sq. ft.
70,001 - 90,000	3,600 sq. ft.
90,001 - 120,000	3,700 sq. ft.
120,001 - 150,000	3,800 sq. ft.
150,001 - 200,000	3,900 sq. ft.
200,001 - 400,000	4,000 sq. ft.

For lots in planned unit developments, the maximum coverage allowed (Base + Transfer) shall be up to 100 percent of the proposed building envelope but shall not exceed 2,500 square feet. Lots in subdivisions with TRPA-approved transfer programs may be permitted the coverage specified by that approval.

B. Facilities in Centers: Except as provided in Subsections A, F, I, J, ~~and K,~~ and L of this Policy, the maximum coverage (Base + Transfer) allowed on a parcel through a transfer program shall be 70 percent of the land in capability districts 4 - 7, provided such parcel is within a Center of a Conforming Area Plan. Coverage transfers to increase coverage from the base coverage up to the maximum coverage allowed shall be at a ratio of 1:1 for coverage transfers from sensitive lands. For transfer of coverage from non-sensitive lands, coverage shall be transferred at a gradually increasing ratio from 1:1 to 2:1, as further specified in the Code of Ordinances.

C. Commercial and Mixed Use Facilities in a Community Plan: The maximum coverage (Base + Transfer) allowed on an existing undeveloped parcel through a transfer program, shall be 70 percent of the land in capability districts 4 - 7, provided the parcel is within an

		<p>approved community plan. For existing developed parcels, the maximum land coverage allowed is 50 percent. Coverage transfers to increase coverage from the base coverage up to the maximum coverage allowed, shall be at a ratio of 1:1 for coverage transfers from sensitive lands. For coverage transfers from non-sensitive lands, coverage shall be transferred at a gradually increasing ratio from 1:1 to 2:1, as further specified in the Code of Ordinances.</p> <p>D. Tourist Accommodation Facilities, Multi-Residential Facilities of 5 Units or More, Public Service Facilities, and Recreational Facilities in a Community Plan: The maximum coverage (Base + Transfer) allowed on a parcel through a transfer program shall be 50 percent of the land in capability districts 4 - 7, provided such parcel is within an approved community plan. The coverage transfer ratio to increase coverage from the base coverage to 50 percent shall be at a ratio of 1:1.</p> <p>E. Other Multi-Residential Facilities: The maximum coverage (Base + Transfer) allowed on a parcel through a transfer of coverage programs shall be the amounts set forth in Subsection A, above, <u>except for residential developments made up of deed-restricted affordable, moderate, or achievable housing.</u></p> <p>F. Linear Public Facilities and Public Health and Safety Facilities: Such public facilities defined by ordinance and whose nature requires special consideration, are limited to transferring the minimum coverage needed to achieve their public purpose.</p> <p>G. Public Service Facilities Outside a Community Plan or Center: The maximum coverage (Base + Transfer) allowed on a parcel through a transfer program shall be 50 percent land coverage provided TRPA determines there is a demonstrated need and requirement to locate such a facility outside a Community Plan or Center, and there is no feasible alternative which would reduce land coverage.</p> <p>H. Other Facilities Outside of Community Plans and Centers, Facilities Within Community Plans Before the Community Plan is Approved, and Facilities within Centers before Conforming Area Plans are approved: Other than the exceptions in Subsections A, E, F, and G, the maximum land coverage allowed shall be the base land coverage as set forth in Policy LU-2.10.</p>
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		<p>I. Notwithstanding Subsection A above, when existing development is relocated to Centers and the prior site is restored and retired, non-conforming coverage may be maintained with the relocation as long as the new site is developed in accordance with all other TRPA Policies and Ordinances.</p> <p>J. Conforming Area Plans may include a comprehensive coverage management system as an alternative to the parcel level coverage requirements outlined in Subsection A-H above. In order to be found in conformance with the Regional Plan, the comprehensive coverage management system shall reduce coverage overall, reduce coverage in land capability districts 1 and 2 compared to the parcel level limitations in the Regional Plan and Code of Ordinances and not increase allowed coverage within 300 feet of Lake Tahoe (excluding those areas landward of Highways 28 and 89 in Kings Beach and Tahoe City Town Centers within that zone).</p> <p><u>K.</u> Additional land coverage limitations shall be implemented within 300 feet of Lake Tahoe, as further described in the Code of Ordinances.</p> <p><u><del>K.</del>L. Residential developments that comprise 100% affordable, moderate, or achievable units, located in land capability districts 4 through 7 and within an approved area plan, may increase maximum land coverage above 70% in centers if they demonstrate participation in a stormwater collection and treatment system that is consistent with TRPA requirements and approved by the applicable state water quality agency (i.e., LRWQCB or NDEP depending on where it is located), where required. Coverage transfers to increase coverage from the base coverage up to the maximum coverage allowed shall be in conformance with the ratios set forth in Section 30.4.3 of the Code of Ordinances.</u></p>
HS-3.1	New Regional Plan language for deed-restricted affordable, moderate, and achievable housing with local option for differing standards when housing need can be achieved	<p><b>HS-3.1 TRPA shall regularly review its policies and regulations to remove identified barriers preventing the construction of necessary affordable housing in the region. TRPA staff will work with local jurisdictions to address issues including, but not limited to, workforce, <del>low-affordable</del> and moderate-income housing, <u>accessory dwelling</u> units and long-term residency in motel units in accordance with the timeline outlined in the implementation element. <u>Due to the challenges of building affordable and workforce housing in the Tahoe Basin, TRPA and/or the local jurisdictions shall set density, height, and parking standards to promote projects that include deed-restricted affordable, moderate, and achievable housing units through the following options:</u></b></p>

		<p><u>A. TRPA shall adopt development standards to promote 100% deed-restricted affordable, moderate and achievable housing that supersede local jurisdiction's standards, including in approved area plans (as set forth in TRPA Code section 13.6.7), and TRPA plan area statements and community plans; or</u></p> <p><u>B. Local jurisdictions may propose within an area plan, alternative development standards for deed-restricted affordable, moderate or achievable housing that adjust TRPA's standards if the jurisdiction demonstrates that the alternative standards are at least as effective as TRPA standards in facilitating the construction of deed-restricted affordable, moderate, and achievable housing in the applicable jurisdiction. These alternatives may include, but are not limited to, an approved inclusionary housing ordinance, zoning additional areas for multi-family housing, providing donated land or other public subsidies, or installation of area-wide stormwater systems in preferred affordable and workforce housing locations.</u></p>
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### Chapter 13: Area Plans

Code Section	Rationale	Proposed Code Language										
13.5.3.1	[MODIFY EXISTING SECTION]  Remove number of stories from height allowance to rely on maximum number of feet.	TABLE 13.5.3-1: MINIMUM DEVELOPMENT STANDARDS FOR AREA PLANS										
		Region al Land Use District s	Wilderne ss	Backcountr y	Conservatio n	Recreatio n	Resort Recreation n	Residenti al	Touris t	Town Center Overla y	Region al Center Overlay	High-Densit y Tourist Distric t Overla y
		Height [3[	N/A	Sec. 37.4						Up to 4 stories or	Up to 6 stories (95 ft) max.	Up to 197' max. [2]

					<del>56 ft</del> max. [1]	[1]	
		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 Coverag e		Sec. 30.4 or Alternative Comprehensive Coverage Management System [See 13.5.3.B.1]			
		Comple t e Streets		Sec. 36.5			[4]
			<p>[1] With adoption of an Area Plan. To ensure compatibility with adjacent uses and viewshed protection, the findings in Sec. 37.7.16 shall apply.</p> <p>[2] Limited to replacement structures, provided, the structures to be demolished and replaced are an existing casino hotel, with existing structures of at least eight stories, or 85 feet of height as measured from the lowest point of natural grade. Such structures shall also comply with Sec. 37.7.17.</p> <p>[3] Areas of Community Plans outside of Centers shall not be eligible for the alternative height and density allowances authorized in Area Plans for Centers. Any existing project density approved pursuant to Section 31.4.3 may be retained in an Area Plan.</p> <p>[4] Plan for sidewalks, trails, and other pedestrian amenities providing safe and convenient non-motorized circulation within Centers, as applicable, and incorporating the Regional Bike and Pedestrian Plan.</p>				

<p>13.5.3.I</p>	<p>[NEW CODE SECTION]</p> <p>Allows up to 65' for deed-restricted housing in centers. Removes density maximums for deed-restricted housing in centers and multi-family zoned parcels in Area Plans. Local jurisdictions can adopt different standards as long as they can show it will provide sufficient affordable and workforce housing.</p>	<p><b><u>13.5.3.I Height and Density Standards for Affordable, Moderate, and Achievable Housing in Centers Effective in Area Plans</u></b></p> <p><u>A. The maximum height specified in table 13.5.3-1 may be increased for residential or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable housing, as described in subsection 36.13. The maximum height shall be no greater than 65', provided the additional height is stepped back one foot for each additional foot of height above 56 feet, the building is designed to minimize shade on adjacent roads and structures between 10:00am and 2:00pm on December 21, as demonstrated in a shade analysis, and TRPA makes findings 1, 2, 3, 8, 14, and 18 as set forth in Section 37.7. The project shall incorporate community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors, consistent with the Design Review Guidelines.</u></p> <p><u>B. Residential or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable, as described in subsection 36.13, are exempt from the density maximums in Table 13.5.3.1 and Section 31.3;.</u></p> <p><u>C. Local jurisdictions may propose alternative height and density allowances from what is permitted in sections A and B above, and Table 13.5.3.1, provided the jurisdiction:</u></p> <ol style="list-style-type: none"> <li><u>1. Demonstrates that the alternative standards are at least as effective as TRPA standards in facilitating the construction of deed-restricted affordable, moderate, and achievable housing in the applicable jurisdiction. These alternatives may include, but are not limited to, an approved inclusionary housing ordinance, zoning additional areas for multi-family housing, providing donated land or other public subsidies, or installation of area-wide stormwater systems in preferred affordable and workforce housing locations.</u></li> <li><u>2. Has an approved inclusionary housing ordinance.</u></li> </ol>
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Code Section	Rationale	Proposed Code Language
30.4.2.B.5	<p>[NEW CODE SECTION]</p> <p>Allow up to 70% coverage outside of town centers within areas that are <b>zoned for multi-family</b> for 100% deed-restricted affordable, moderate, or achievable housing, provided the development is on high capability land.</p>	<p><b>30.4.2 Transferred Land Coverage Requirements</b></p> <p>In addition to the base land coverage prescribed by subsection 30.4.1, land coverage may be transferred to a parcel pursuant to subsection 30.4.3. Parcels and uses eligible for transfer of land coverage are identified in this subsection. For purposes of this subsection, the “maximum land coverage” equals the base land coverage plus the transferred land coverage. Land coverage shall not exceed base land coverage for parcels and uses that are not identified in this subsection. The aggregate of base land coverage and transferred land coverage shall not exceed the limits set forth in this subsection.</p> <p><b>B. Location -Specific Standards</b></p> <p><b><u>30.4.2.B.5 Affordable, Moderate, and Achievable Housing outside Centers</u></b></p> <p><u>The maximum land coverage allowed on a parcel for multi-residential developments, mixed-use developments with a residential component as described in subsection 36.13, or accessory dwelling units, provided they are 100 percent deed-restricted affordable, moderate, or achievable and utilize bonus units, shall be limited to 70 percent of the project area that is located within Land Capability Districts 4 through 7, subject to the following standards:</u></p> <p><u>a. All runoff from the project area must be treated by a stormwater collection and treatment system if a system is available for the project area. The stormwater collection and treatment system must meet applicable TRPA requirements, a county or city, a utility, a community service or improvement district, or similar public entity with a sustainable funding source must assume perpetual responsibility for operation and maintenance; and the system must be permitted by the applicable state water quality agency or agencies (i.e., LRWQCB or NDEP depending on where it is located), as required to be included as a component of the TMDL pollutant load reduction measures credited to the entity or entities where the system is located; or</u></p> <p><u>b. If a stormwater collection and treatment system is not available for the project area, water quality treatment consistent with Chapter 60 of the TRPA Code of Ordinances may</u></p>

		<p><u>be approved by TRPA, provided that local jurisdictions <a href="#">with a sustainable funding source</a> verify and are responsible for ongoing BMP maintenance of the project area through a deed restriction running with the land.</u></p> <p><u>a-c. To transfer in coverage above the base allowable coverage, the project shall not construct any parking spaces above the parking minimums set by local or state standards, except when required to meet Americans with Disabilities Act requirements or to provide parking for bicycles.</u></p> <p><u>d. The project is exempt from the density maximums per section 31.4.1.A and subject to the parking standards specified in Section 34.4.1, unless an area plan specifies alternative standards per Section 13.5.3.I.C.1.</u></p> <p><u>e. The additional coverage for accessory dwelling units is limited to 1,200 square feet or 70 percent of the project area, whichever is less, that is located within Land Capability Districts 4 through 7 or on parcels that are buildable based on their IPES score. Additional land coverage shall be used only for the accessory dwelling unit, and includes decks and walkways associated with the accessory dwelling unit. This coverage shall not be used for parking.</u></p>
30.4.2.B.6	<p>[NEW CODE SECTION]</p> <p>New code section to allow higher than 70 percent coverage for deed-restricted affordable, moderate, and achievable housing on high capability lands in <b>centers</b>. The project must show that stormwater will be treated offsite through area-wide stormwater treatment that is managed by a public entity.</p>	<p><b><u>30.4.2.B.6 Stormwater Collection and Treatment Systems for Affordable, Moderate, and Achievable Housing</u></b></p> <p><u>Multi-residential developments, mixed-use developments with a residential component, as described in subsection 36.13, or accessory dwelling units, provided the units are 100 percent deed-restricted affordable, moderate, and achievable, utilize bonus units and are located in Land Capability Districts 4 through 7 and within an approved area plan, may increase maximum land coverage above 70 percent in centers, subject to the following standards:</u></p> <p>a. <u>All runoff from the project area must be treated by a stormwater collection and treatment system if a system is available for the project area. The stormwater collection and treatment system must meet applicable TRPA requirements, a county or city, a utility, a community service or improvement district, or similar public entity with a sustainable funding source must assume perpetual responsibility for</u></p>

		<p><u>operation and maintenance; and the system must be permitted by the applicable state water quality agency or agencies (i.e., LRWQCB or NDEP depending on where it is located), as required to be included as a component of the TMDL pollutant load reduction measures credited to the entity or entities where the system is located.</u></p> <p><u>b. To transfer in coverage above 70 percent, the project shall not construct any parking spaces above the parking minimums set by local or state standards, except when required to meet Americans with Disabilities Act requirements or to provide parking for bicycles.</u></p> <p><u>b.c. The project is exempt from the density maximums per section 31.4.1.A and the parking minimums per Section 34.4.1, unless an area plan specifies alternative standards per Section 13.5.3.I.C.1.</u></p>
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#### Chapter 31: Density

Code Section	Rationale	Proposed Code Language
31.4.1.A	<p>[NEW CODE SECTION]</p> <p>New Code section that exempts density maximums for deed-restricted projects within multi-family zones.</p>	<p><b>31.4 Increases to Maximum Density</b></p> <p>31.4.1 Affordable, <u>Moderate, and Achievable</u> Housing</p> <p><del>A. Affordable Housing</del>  <del>Affordable housing projects meeting TRPA requirements may be permitted to increase the maximum density established in Section 31.3 by up to 25 percent, provided TRPA finds that:</del></p> <ol style="list-style-type: none"> <li><del>1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing; and</del></li> <li><del>2. The additional density is consistent with the surrounding area.</del></li> </ol> <p><del>B. Affordable Housing within Kings Beach Commercial Community Plan</del>  <del>Affordable housing projects meeting TRPA requirements and located in designated special areas for affordable housing within the Kings Beach Commercial Community Plan may be permitted to increase the maximum density established in Section 31.3 by 100 percent, provided TRPA finds that:</del></p> <ol style="list-style-type: none"> <li><del>1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing;</del></li> </ol>

		<p><del>2. The additional density is consistent with the surrounding area; and</del></p> <p><del>3. The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area.</del></p> <p><u>A. Affordable, Moderate, and Achievable Housing</u>  <u>Residential developments or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable, as described in subsection 36.13, and utilize bonus units are exempt from the density maximums in Section 31.3.</u></p>
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#### Chapter 34: Driveway and Parking Standards

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

#### Chapter 36: Design Standards



36.13	<p>[NEW CODE SECTION]</p> <p>New Code section that applies to mixed-use developments with a residential component that is 100% deed-restricted.</p>	<p><b><u>36.13 Mixed-Use with Affordable, Moderate, and Achievable Housing</u></b></p> <p><u>A. Mixed-use developments with a residential component that is 100 percent deed-restricted as affordable, moderate, or achievable housing and utilizes bonus units shall be subject to the coverage and height standards for affordable, moderate, and achievable housing set forth in sections 13.5.3.I, 30.4.2.B.5, 30.4.2.B.6, 31.4.1.A, and 37.5.5, respectively, provided the commercial component is no greater than fifty percent of the total development square footage.</u></p> <p><u>B. Mixed-use developments shall meet the definition of mixed-use in Chapter 90 and the following design standards:</u></p> <ul style="list-style-type: none"> <li><u>a. Mixed-use developments accommodate pedestrian-oriented non-residential uses on the ground floor street frontage at a minimum average depth of 40 feet and a minimum depth of 25 feet covering a minimum of 60 percent of the ground floor area;</u></li> <li><u>b. Parking and vehicle access shall be designed to limit conflict with pedestrian circulation along the ground floor frontage;</u></li> <li><u>c. The ground floor and street frontage shall be designed to promote pedestrian accessibility, including but not limited to, transparent façade, ground floor ceiling height no less than 10 feet, pedestrian-oriented street-facing entry, sidewalks, and other pedestrian improvements.</u></li> </ul>
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## Chapter 37: Height

Code Section	Rationale	Proposed Code Language
37.5.5	Allow deed-restricted multi-family developments to have additional height up to the maximum for building slope shown in Table 37.4.4-1, with a roof pitch of at least 3:12.	<p><b>37.5.5 Additional Building Height for Affordable, <u>Moderate, or Achievable</u> Housing Projects</b></p> <p><u>A. Residential and mixed-use projects that are 100% deed-restricted to affordable, moderate, or achievable as described in subsection 36.13 and utilize bonus units may have additional building height, up to the maximum for the slope of the building site set</u></p>

		<p><u>forth in Table 37.4.4-1, with a roof pitch greater than or equal to 3:12, provided the applicants makes findings 1, 2, and 8 as set forth in Section 37.7; or</u></p> <p><u>B. Residential and mixed-use projects that are 100% deed-restricted to affordable, moderate, or achievable, as described in subsection 36.13, utilize bonus units, and are located on a parcel that is within 500 feet and adjacent and contiguous to a center may have an additional 11 feet above what is permissible in Table 37.4.4-1, provided the additional height is stepped back one foot for each additional foot of height, the building is designed to minimize shade on adjacent roads and structures between 10:00am and 2:00pm on December 21, as demonstrated in a shade analysis, and TRPA makes findings 1, 2, 3, 8, 14, and 18 as set forth in Section 37.7. The project shall incorporate community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors consistent with the Design Review Guidelines.</u></p> <p><del>The maximum height specified in Table 37.4.1-1 may be increased for affordable housing projects located in special areas designated for affordable housing within the Kings Beach Commercial Community Plan. The maximum height in Table 37.4.1-1 may be increased by up to 15 feet, but not to exceed a total building height of 48 feet, provided that the project incorporates community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors consistent with the Design Review Guidelines, and TRPA makes finding 14 of Section 37.7.</del></p>
37.7.18	Add a finding that additional height may only be used when the project is not subject to density maximums and parking minimums, unless an area plan specifies alternative standards per section 13.5.3.I.C.1.	<p><b><u>37.7.18 Finding 18 (Affordable, Moderate, and Achievable Housing)</u></b></p> <p><u>The project is exempt from the density maximums per section 31.4.1.A and the parking minimums per Section 34.4.1, unless an area plan specifies alternative standards per Section 13.5.3.I.C.1.</u></p>

## Chapter 52: Bonus Unit Incentive Program

Code Section	Rationale	Proposed Code Language
52.3.4.G Affordable, Moderate, and Achievable- Income Housing	Clarify fine amount for non-compliance.	<p><b>52.3.4. Affordable, Moderate, and Achievable-Income Housing</b></p> <p>All projects receiving a residential bonus unit for affordable, moderate, or achievable housing development as defined in Chapter 90: <i>Definitions</i> shall comply with criteria in Section 52.3.4A-F. TRPA shall report to the TRPA Governing Board biennially on the implementation of the residential bonus unit program for affordable, moderate, and achievable housing development. This report shall include, but is not limited to, the number of housing developments and units awarded and constructed bonus units, number of bonus units awarded to and constructed in each income category, number of bonus units awarded to and constructed in single and multi-family housing developments, location of housing developments, and compliance with the program.</p> <p>A. Residential bonus units may be awarded to single or multi-family housing developments.</p> <p>B. The owner of the parcel, through a deed restriction running with the land, shall restrict the unit for which the bonus unit was awarded from being used as a second home or a vacation rental.</p>

		<p>C. A bonus unit may be used for an accessory dwelling unit as defined by Section 21.3.2, notwithstanding 52.3.4.A above, provided it is consistent with all provisions of the applicable area plan or this Code of Ordinances.</p> <p>D. The owner of the parcel, through a deed restriction running with the land, shall limit the unit for which the bonus unit was awarded to the approved use and restrict the occupants' household income to affordable, moderate, or achievable housing limits set forth in Chapter 90: Definitions, depending on the applicable income level for which the bonus unit was awarded. The restriction shall also include the requirement to disclose the restrictions associated with the unit at the time of sale of the unit, the requirement to submit an annual compliance report to TRPA, and the potential to be fined up to <del>\$5,000.00 per day 1/10 of the current cost of a residential unit of use annually</del> for failure to submit the compliance report or comply with these requirements.</p> <p>E. An owner-occupant of a unit who has provided all required annual compliance reports and who has had an increase in income so that they are no longer eligible for the bonus unit may apply to TRPA and receive an exemption to the income requirement until the unit is sold. The owner must continue to be the occupant, provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine, rent the unit only to an income qualified renter if no longer the occupant, or sell the unit only to an income qualified buyer.</p> <p>F. The project awarded a residential bonus unit shall be within ½ mile of a designated Town Center; within ½ mile of an existing transit stop or a transit stop that will be existing concurrent with the completion of the project; or located in an area where multi-family dwellings are an allowed or special use.</p>
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## Chapter 90: Definitions

Code Section	Rationale	Proposed Code Language
Chapter 90	Update definition of Achievable Housing	Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents who meet one or more of the following criteria:

		<p>1. Have a household income not in excess of 120 percent of the respective county's area median income (<del>AMIM</del>) (moderate income households and below); or</p> <p>2. At least one occupant of the household works at least 30 hours per week or full-time equivalency for an employer with a business license or tax address within the Tahoe region or Tahoe-Truckee Unified School District (<u>TTUSD</u>), including but not limited to public agencies and not-for-profit employers, <u>and which requires the employee's physical presence within the boundaries of the Tahoe region or TTUSD in order to complete the task or furnish the service for an average of at least 30 hours per week on an annual basis, or seasonal basis for seasonal work</u>. Full-time equivalency may be confirmed by employer; or</p> <p>3. Is a retired person who has lived in a deed-restricted unit in the Tahoe Basin for more than seven years.</p> <p>The employment requirement may be waived for accessory dwelling units when the unit is occupied by a family member related by birth, marriage or adoption to the owner of the primary dwelling. TRPA may include asset limits for purchasers of deed-restricted homes.</p> <p>Achievable housing units shall meet the criteria and restrictions in accordance with Chapter 52: <i>Bonus Unit Incentive Program</i>.</p> <p>Achievable deed-restrictions issued before <del>June 26, 2023</del> <u>[date amendments go into effect]</u> may utilize this definition or the definition of "achievable" <u>described in the recorded deed-restriction language in effect from December 20, 2018 to June 26, 2023</u>.</p>
Chapter 90	Add new definition for Stormwater Collection and Treatment System.	<p><b><u>Stormwater Collection and Treatment System:</u></b></p> <p><u>Stormwater collection includes ditches, storm drains, and water pipes designed to remove surface runoff and transport it to the location or locations where it will be treated. Streets, curbs and gutters can be included as part of the collection system.</u></p> <p><u>Stormwater treatment is the process of improving stormwater runoff quality, reducing runoff volume, and reducing runoff peak flow. Debris and solids are filtered out, followed by a sedimentation process. Water is then infiltrated or discharged from the system into the receiving environment (groundwater table, ponds, streams, waterways, etc.).</u></p>
Chapter 90	Add new definition of Mixed-Use Development.	<p><b><u>Mixed-Use Development:</u></b></p> <p><u>Developments fostering the integration of compatible residential and non-residential uses on a single site that are designed to promote pedestrian circulation. Permissible pedestrian-oriented non-residential uses include,</u></p>

		<u>but are not limited to, retail, restaurant, personal services, office, and entertainment uses. Lobbies, gymnasiums, and project offices may be included if they are open to the public.</u>
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Attachment C  
Adopting Ordinance for Amendments to the TRPA Code of Ordinances

TAHOE REGIONAL PLANNING AGENCY  
ORDINANCE 2023-\_\_

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

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

**Section 1.0**      **Findings**

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

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

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

**Section 3.0**      **Interpretation and Severability**



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

**Section 4.0**     **Effective Date**

4.10 This ordinance shall be effective 60 days after adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held \_\_\_\_\_ by the following vote:

Ayes:

Nays:

Abstain:

Absent:

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Cindy Gustafson, Chair  
Tahoe Regional Planning Agency  
Governing Board

Attachment D  
Adopting Ordinance for Amendments to the TRPA Regional Plan Goals and Policies

TAHOE REGIONAL PLANNING AGENCY  
ORDINANCE 2023-\_\_

AN ORDINANCE AMENDING ORDINANCE 2019-03, AS AMENDED,  
TO AMEND TRPA'S GOALS AND POLICIES AND OTHER MATTERS  
RELATED THERETO

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

**Section 1.0**

**Findings**

- 1.10 The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities ("threshold standards") for the Tahoe Region.
- 1.15 The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds.
- 1.20 The Compact further requires that the Regional Plan attain and maintain federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.
- 1.25 Compact Art. V(c) states that the TRPA Governing Board and Advisory Planning Commission shall continuously review and maintain the Regional Plan.
- 1.30 In June 1987, the TRPA Governing Board adopted Ordinance 87-9, which established the Regional Plan and included, amongst other things, the Goals & Policies and the Code of Ordinances ("Code").
- 1.35 In April 2019, the TRPA Governing Board adopted Ordinance 2019-03, superseding portions of Ordinance 87-9 by collecting the environmental threshold standards with the Regional Plan Goals and Policies.
- 1.40 Concurrent with this Ordinance, the TRPA Governing Board will approve Ordinance 2023-\_\_, An Ordinance amending the Code of Ordinances for the Phase 2 Housing Amendments.
- 1.45 It is necessary and desirable to amend TRPA Ordinance 2021-03, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Goals & policies pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact in order to accelerate attainment and ensure maintenance of the threshold standards, as amended.

- 1.50 It is necessary and desirable to amend the TRPA Code of Ordinances (“Code”) to effectuate the amendments to the Goals and Policies pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.55 TRPA has made the necessary findings required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations, and incorporates these findings fully herein.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

**Section 2.0**      **Amendment of the TRPA Regional Plan Goals and Policies**

- 2.10 Ordinance 2021-03, as previously amended, is hereby amended as shown in Attachment C.

**Section 3.0**      **Interpretation and Severability**

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

**Section 4.0**      **Effective Date**

- 4.10 This ordinance shall be effective 60 days after adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held \_\_\_\_\_ by the following vote:

Ayes:

Nays:

Abstain:

Absent:

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Cindy Gustafson, Chair  
Tahoe Regional Planning Agency  
Governing Board

Attachment E  
Regional Plan Amendments Land Use and Housing Sections

## LAND USE

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The Tahoe Regional Planning Agency Bi-State Compact calls for development of a Regional Plan that establishes a balance, or equilibrium, between the natural environment and the manmade environment. The TRPA has established environmental threshold carrying capacities that define the capacity of the natural environment and set specific environmental performance standards related to land use. The thresholds, however, do not define the maximum buildout, densities, permitted uses, or other land use criteria for the manmade environment; this is the function of the Regional Plan.

It is the intent of this Subelement to establish land use goals and policies that will ensure the desired equilibrium and attain and maintain the environmental thresholds within a specific time schedule.

### **GOAL LU-1**

#### **RESTORE, MAINTAIN, AND IMPROVE THE QUALITY OF THE LAKE TAHOE REGION FOR THE VISITORS AND RESIDENTS OF THE REGION.**

Lake Tahoe is a unique natural resource in a spectacular natural setting. It is truly one of the natural treasures of the United States. The long-term economic and natural health of the Region depends on the maintenance of this unusual quality. While previous land use planning efforts have concentrated on regulating the quantity of permitted development, this plan emphasizes an improvement in the quality of development in the Region and in the quality of the natural environment.

#### **POLICIES:**

##### **LU-1.1 THE PRIMARY FUNCTION OF THE REGION SHALL BE AS A MOUNTAIN RECREATION AREA WITH OUTSTANDING SCENIC AND NATURAL VALUES.**

The economic health of the Region depends on a viable tourist and recreation-oriented environment. It is the intent of this Regional Plan, among other things, to encourage development that enhances these values.

##### **LU-1.2 REDEVELOPING EXISTING TOWN CENTERS IS A HIGH PRIORITY.**

Many of the Region's environmental problems can be traced to past and existing development which often occurred without recognition of the sensitivity of the area's natural resources. To correct this, environmentally beneficial redevelopment and rehabilitation of identified Centers is a priority.

##### **LU-1.3 THE PLAN SHALL SEEK TO MAINTAIN A BALANCE BETWEEN ECONOMIC/SOCIAL HEALTH AND THE ENVIRONMENT.**

## GOAL LU-2

**DIRECT THE AMOUNT AND LOCATION OF NEW LAND USES IN CONFORMANCE WITH THE ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES AND THE OTHER GOALS OF THE TAHOE REGIONAL PLANNING AGENCY BI-STATE COMPACT.**

### POLICIES:

**LU-2.1 THE REGIONAL PLAN ADOPTED BY THE AGENCY SHALL SPECIFY THE TOTAL ADDITIONAL DEVELOPMENT WHICH MAY BE PERMITTED WITHIN THE REGION, NOT TO EXCEED THE LIMITATIONS SET FORTH BELOW.**

The Environmental Impact Statement prepared for this plan analyzed impacts based on defined development parameters which are integrated into this plan. It is the intent of this policy to ensure that these limitations are incorporated, both individually and cumulatively, into the Land Use Element. These limitations shall be expressed in appropriate land use regulations, such as zoning, use limitations, floor area limitations, allocation limits and other such regulations. For the purposes of this plan, regulated development is categorized as residential, tourist accommodation, commercial, recreation, public service, and resource management.

Residential: Each undeveloped legal parcel existing on August 17, 1986, unless otherwise restricted, has a potential residential unit of use, except where additional development rights are acquired pursuant to the Implementation Element.

The status of residential units of use and potential residential units of use that existed on August 17, 1986 are shown in the table below:

<b>Residential Units of Use Inventory (as of October 24, 2012)*</b>	
Residences Developed before 1987	40,865
Total Potential Residential Units of Use in 1987	18,690
Potential Residential Units of Use Retired 1987-2011	8,360
Potential Residential Units of Use Developed or Allocated to Jurisdictions 1987-2011	6,087
<b>Total Potential Residential Units of Use Remaining</b>	<b>4,243</b>
Remaining on Buildable Parcels	2,791
Remaining on Marginal Parcels	765
Remaining on Unbuildable Parcels	535
Banked Potential Residential Units of Use	152
*Note: All statistics are estimates and are not regulatory	

Tourist Accommodation: There is a limited need for additional tourist accommodation units. Based on demonstrated need, projects may be permitted additional units as specified within a Community Plan or a Conforming Area Plan and as provided for in the Implementation Element.

Commercial: The amount of additional commercial development is based on the estimated needs of the Region. Commercial development may be permitted as specified in Plan Area Statements, Community Plans, other Specific Plans or Master Plans, or a Conforming Area Plan.

Recreation: Additional recreation uses may be permitted only as specified within Plan Area Statements, Community Plans, other Specific Plans or Master Plans, or a Conforming Area Plan. The total capacity of additional outdoor recreational facilities for the Region shall not exceed 6,114 persons at one time (PAOTs) for overnight facilities, 6,761 PAOTs for summer day use facilities, and 12,400 PAOTs for winter day use facilities. (See Recreation Element for more detail.)

Public Service: Additional public service development shall be limited to those projects needed to serve the other development permitted by this plan. (See Public Service Element for more detail.)

Resource Management: Resource Management activities pertaining to the utilization, management, or conservation of natural resources shall be limited to those activities that are consistent with policies of this plan and of other adopted plans.

**LU-2.2 NO NEW DIVISIONS OF LAND SHALL BE PERMITTED WITHIN THE REGION WHICH WOULD CREATE NEW DEVELOPMENT POTENTIAL INCONSISTENT WITH THE GOALS AND POLICIES OF THIS PLAN.**

This policy does not consider the following divisions of land to be inconsistent when the result does not increase the development potential permitted by this plan:

- A. Division of land for the purposes of conveying a portion thereof to a governmental agency, public entity, or public utility.
- B. Division of land for the purposes of creating cemetery lots.
- C. Division of land ordered by a federal or state court of competent jurisdiction as a result of bona fide, adversary legal proceedings to which the Agency is a party. Any such division of land or approval of any other project or action resulting from such legal proceedings shall be pursuant to an evaluation of the effect of such division or approval upon the Regional Plan, the environmental thresholds, and other requirements of the Bi-State Compact. Based on the above evaluation, appropriate adjustments to the Regional Plan shall be made.
- D. A modification to an existing subdivision or a lot line adjustment or lot consolidation, which does not result in any increase in development potential, or in present or potential land coverage or density, and shall not have an adverse impact upon the health, safety, general welfare or environment of the Region.
- E. Conversion of an existing structure, to a stock cooperative, community apartment,



condominium, or any other form of divided interest; which conversion does not result in any increase in development potential, or in present or potential land coverage or density, and will not have an adverse impact upon the health, safety, general welfare or environment of the Region.

- F. Redivision, adjustment, or consolidation, of parcels within an existing urban area, as part of a TRPA approved redevelopment plan that does not increase development potential region-wide.
- G. Division of land through condominiums, community apartments, or stock cooperatives within an existing urban area in conjunction with the approval of a project associated with an approved transfer of development, or otherwise in accordance with the provisions of this plan. In order to subdivide a project under this provision, the project itself shall be approved prior to the approval of the division and in no case shall the division result in a greater amount, a different location, or a greater rate of development than otherwise permitted by this plan.
- H. Division of land through air space condominiums in two resort recreation designated areas with the approval of a project associated with an approved transfer of development. In order to subdivide a project under this provision, the project itself shall be approved prior to the approval of the division and in no case shall the division result in a greater amount, a different location or a greater rate of development than otherwise permitted by this plan. Subdivisions shall be limited to air space condominium divisions with no lot and block subdivisions allowed, development shall be transferred from outside the area designated as resort recreation, and transfers shall result in the retirement of development.

**LU-2.3 BUILDINGS, WHETHER CONFORMING OR NONCONFORMING, WHICH ARE DAMAGED OR DESTROYED BY FIRE OR OTHER SIMILAR CALAMITY, MAY BE REPAIRED OR REBUILT WITH NO REQUIREMENT FOR REDUCTION IN COVERAGE OR HEIGHT BY WAY OF FEE OR OTHERWISE. THIS POLICY APPLIES ONLY IF THE BUILDING IS RECONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE ORIGINAL STRUCTURE AND, WITH NO INCREASE IN FLOOR AREA, LAND COVERAGE, HEIGHT, OR VOLUME. OTHER PROVISIONS GENERALLY APPLICABLE TO REHABILITATION OR RECONSTRUCTION OF BUILDINGS SHALL APPLY. THIS POLICY IS SUBJECT TO THE NATURAL HAZARDS SUBELEMENT. SPECIAL PROVISIONS SHALL APPLY TO BUILDINGS IN THE SHOREZONE, LAKEWARD OF THE HIGHWATER LINE.**

**LU-2.4 STRUCTURES, LEGALLY EXISTING AS OF THE EFFECTIVE DATE OF THIS PLAN, BUT WHICH, BY VIRTUE OF THEIR DESIGN OR LOCATION, ARE PROHIBITED, ARE CONSIDERED NONCONFORMING AND SUBJECT TO THE FOLLOWING POLICIES:**

- A. Nonconforming structures may be maintained or repaired. Maintenance and repair shall be defined in implementing ordinances.
- B. Nonconforming structures may not be enlarged, replaced, or rebuilt without the approval of TRPA. Such approval shall occur through direct TRPA review, through the conformance review process for Area Plans, or through Memorandum of Understanding with applicable governments and shall be based on criteria set forth in implementing ordinances to ensure that:

- i. the activity shall not increase the extent of nonconformity; and
- ii. if the structure is subject to a specific program of removal or modification by TRPA, the activity shall not conflict with that program.

**LU-2.5 USES, LEGALLY EXISTING AS OF THE EFFECTIVE DATE THIS PLAN, BUT WHICH ARE NOW PROHIBITED, ARE CONSIDERED NONCONFORMING AND SUBJECT TO THE FOLLOWING POLICIES:**

- A. Nonconforming uses may continue as they exist except where specifically subject to a program of removal or modification.
- B. Nonconforming uses may not be modified, expanded, or intensified, nor resumed following a significant interruption without the approval of TRPA. Such approval shall occur through direct TRPA review, through the conformance review process for Area Plans, or through Memorandum of Understanding with applicable governments and shall be based on criteria set forth in ordinances to ensure that:
  - i. the activity shall not increase the extent of nonconformity.
  - ii. the activity shall not make it more difficult to attain and maintain environmental threshold carrying capacities.
  - iii. the use is otherwise consistent with applicable Plan Area Statements and Community Plans.
- C. Additional rules regarding excess land coverage are set forth in this Land Use Subelement, Policies LU-2.11 and 2.12.

**LU-2.6 USES OF THE BODIES OF WATER WITHIN THE REGION SHALL BE LIMITED TO OUTDOOR WATER-DEPENDENT USES REQUIRED TO SATISFY THE GOALS AND POLICIES OF THIS PLAN.**

This policy is intended to promote the use of waters of the Region for water-dependent outdoor recreation and to protect the scenic and natural qualities of such waters. Plan Area Statements or conforming Area Plans shall detail the specific policies.

**LU-2.7 RESTORATION AND REHABILITATION SHALL BE A HIGH PRIORITY FOR IMPROVING ENVIRONMENTAL QUALITY AND COMMUNITY CHARACTER OF AREAS DESIGNATED FOR REDIRECTION BUT NOT INCLUDED IN A REDEVELOPMENT PLAN.**

The Regional Plan calls for improvement of environmental quality and community character in redirection areas through restoration and rehabilitation. Implementation of rehabilitation and restoration strategies shall be by ordinance.

**LU-2.8 THE PROVISIONS SET FORTH IN ARTICLE VI (d) THROUGH VI (i) OF THE BI-STATE COMPACT APPLY TO TRPA REGULATION OF STRUCTURES HOUSING GAMING.**

**LU-2.9 ALLOWABLE LAND COVERAGE IN THE TAHOE REGION SHALL BE SET FORTH IN ACCORDANCE WITH THE LAND CAPABILITY DISTRICT CLASSIFICATION METHODOLOGY AND DISTRICT BASED LAND COVERAGE LIMITATIONS SET FORTH IN "THE LAND CAPABILITY CLASSIFICATION OF THE LAKE TAHOE BASIN, CALIFORNIA-NEVADA, A GUIDE FOR PLANNING, BAILEY, 1974."**

This policy limits allowable impervious land coverage associated with new development. These policies set allowable land coverage by applying the recommended Bailey land coverage coefficients to specifically defined and related areas. In some instances, provisions are made to allow additional coverage by transfer. The transfer programs shall operate by a direct offset method. In addition, land capability is one of the basic factors in determining the suitability of lands for development and appropriateness of land uses.

**LU-2.10 ALLOWED BASE LAND COVERAGE FOR ALL NEW PROJECTS AND ACTIVITIES SHALL BE CALCULATED BY APPLYING THE BAILEY COEFFICIENTS, AS SHOWN BELOW, TO THE APPLICABLE AREA WITHIN THE PARCEL BOUNDARY, OR AS OTHERWISE SET FORTH IN A, B, AND C OF THIS POLICY.**

LAND CAPABILITY DISTRICT	MAXIMUM ALLOWED LAND COVERAGE
1a	1 percent
1b	1 percent
1c	1 percent
2	1 percent
3	5 percent
4	20 percent
5	25 percent
6	30 percent
7	30 percent

- A. In the case of subdivisions approved by TRPA in conformance with the coefficients coverages assigned to individual lots shall be the allowed base coverage for those lots. A list of such TRPA-approved subdivisions appears in *Attachment 2*
- B. In the case of existing planned unit developments (PUDs) not in conformance with the coefficients, the coefficients shall apply to the entire project area minus public rights-of-way, and the allowed base coverage shall be apportioned to the individual lots or building sites, and common area facilities. A list of such PUDs appears in *Attachment 3*
- C. After December 31, 1988, for vacant residential parcels evaluated under the Individual Parcel Evaluation System (IPES), the allowable base land coverage shall be a function of a parcel's combined score under the IPES criteria for relative erosion hazard and runoff potential as correlated with the above coefficients and applied to the designated evaluation area.

The method of calculation of allowed land coverages shall be detailed in the implementing ordinances consistent with the above policy.

**LU-2.11 THE ALLOWED COVERAGE IN POLICY LU-2.10 MAY BE INCREASED BY TRANSFER OF LAND COVERAGE WITHIN HYDROLOGICALLY RELATED AREAS UP TO THE LIMITS AS SET FORTH IN THIS POLICY:**

SPECIAL PROVISIONS FOR ADDITIONAL COVERAGE, SUCH AS EXCEPTIONALLY LONG DRIVEWAYS, PERVIOUS COVERAGE, PUBLIC TRAILS AND ACCESS FOR THE DISABLED, MAY ALSO BE ALLOWED. ORDINANCES SHALL SPECIFICALLY LIMIT AND DEFINE THESE PROGRAMS.

LAND COVERAGE MAY BE TRANSFERRED THROUGH PROGRAMS THAT ARE FURTHER DESCRIBED IN THE IMPLEMENTATION ELEMENT. NOTWITHSTANDING THE LIMITATION STATED ABOVE, LAND COVERAGE MAY BE TRANSFERRED ACROSS HYDROLOGICALLY RELATED AREAS WHEN EXISTING HARD OR SOFT COVERAGE IS TRANSFERRED AND RETIRED FROM SENSITIVE LAND AND TRANSFERRED TO NON-SENSITIVE LAND FURTHER THAN 300 FEET FROM THE HIGH WATER LINE OF LAKE TAHOE, OR ON THE LANDWARD SIDE OF HIGHWAYS 28 OR 89 IN THE TAHOE CITY OR KINGS BEACH TOWN CENTERS.

The intent of the land coverage transfer programs is to allow greater flexibility in the placement of land coverage. Such programs include the use of land banks, lot consolidation, land coverage restoration programs, programs to encourage concentration of development, and transfer programs based on the calculation of land coverage on non-contiguous parcels. The coverage transfer programs allow for coverage over base coverage to be permitted and still be consistent with the soils threshold and *Goal LU-2* of this Subelement.

- A. Single Family Residential: The maximum land coverage allowed (Base + Transfer) on a parcel through a transfer program shall be as set forth below:

<u>Parcel Size (Square Feet)</u>	<u>Land Coverage</u>
0 - 4,000	Base Land Coverage as Set Forth in <i>Policy LU-2.10</i>
4,001 - 9,000	1,800 sq. ft.
<u>Parcel Size (Square Feet)</u>	<u>Land Coverage</u>
9,001 - 14,000	20 percent
14,001 - 16,000	2,900 sq. ft.
16,001 - 20,000	3,000 sq. ft.
20,001 - 25,000	3,100 sq. ft.
25,001 - 30,000	3,200 sq. ft.
30,001 - 40,000	3,300 sq. ft.
40,001 - 50,000	3,400 sq. ft.
50,001 - 70,000	3,500 sq. ft.
70,001 - 90,000	3,600 sq. ft.
90,001 - 120,000	3,700 sq. ft.
120,001 - 150,000	3,800 sq. ft.
150,001 - 200,000	3,900 sq. ft.
200,001 - 400,000	4,000 sq. ft.

For lots in planned unit developments, the maximum coverage allowed (Base + Transfer) shall be up to 100 percent of the proposed building envelope but shall not exceed 2,500 square feet. Lots in subdivisions with TRPA-approved transfer programs

may be permitted the coverage specified by that approval.

- B. Facilities in Centers: Except as provided in Subsections A, F, I, ~~J, and K~~, and L of this Policy, the maximum coverage (Base + Transfer) allowed on a parcel through a transfer program shall be 70 percent of the land in capability districts 4 - 7, provided such parcel is within a Center of a Conforming Area Plan. Coverage transfers to increase coverage from the base coverage up to the maximum coverage allowed shall be at a ratio of 1:1 for coverage transfers from sensitive lands. For transfer of coverage from non-sensitive lands, coverage shall be transferred at a gradually increasing ratio from 1:1 to 2:1, as further specified in the Code of Ordinances.
- C. Commercial and Mixed Use Facilities in a Community Plan: The maximum coverage (Base + Transfer) allowed on an existing undeveloped parcel through a transfer program, shall be 70 percent of the land in capability districts 4 - 7, provided the parcel is within an approved community plan. For existing developed parcels, the maximum land coverage allowed is 50 percent. Coverage transfers to increase coverage from the base coverage up to the maximum coverage allowed, shall be at a ratio of 1:1 for coverage transfers from sensitive lands. For coverage transfers from non-sensitive lands, coverage shall be transferred at a gradually increasing ratio from 1:1 to 2:1, as further specified in the Code of Ordinances.
- D. Tourist Accommodation Facilities, Multi-Residential Facilities of 5 Units or More, Public Service Facilities, and Recreational Facilities in a Community Plan: The maximum coverage (Base + Transfer) allowed on a parcel through a transfer program shall be 50 percent of the land in capability districts 4 - 7, provided such parcel is within an approved community plan. The coverage transfer ratio to increase coverage from the base coverage to 50 percent shall be at a ratio of 1:1.
- E. Other Multi-Residential Facilities: The maximum coverage (Base + Transfer) allowed on a parcel through a transfer of coverage programs shall be the amounts set forth in Subsection A, above, except for residential developments made up of deed-restricted affordable, moderate, or achievable housing.
- F. Linear Public Facilities and Public Health and Safety Facilities: Such public facilities defined by ordinance and whose nature requires special consideration, are limited to transferring the minimum coverage needed to achieve their public purpose.
- G. Public Service Facilities Outside a Community Plan or Center: The maximum coverage (Base + Transfer) allowed on a parcel through a transfer program shall be 50 percent land coverage provided TRPA determines there is a demonstrated need and requirement to locate such a facility outside a Community Plan or Center, and there is no feasible alternative which would reduce land coverage.
- H. Other Facilities Outside of Community Plans and Centers, Facilities Within Community Plans Before the Community Plan is Approved, and Facilities within Centers before Conforming Area Plans are approved: Other than the exceptions in Subsections A, E, F, and G, the maximum land coverage allowed shall be the base land coverage as set forth in Policy LU-2.10.
- I. Notwithstanding Subsection A above, when existing development is relocated to Centers and the prior site is restored and retired, non-conforming coverage may be maintained with the relocation as long as the new site is developed in accordance with all other TRPA Policies and Ordinances.

- J. Conforming Area Plans may include a comprehensive coverage management system as an alternative to the parcel level coverage requirements outlined in Subsection A-H above. In order to be found in conformance with the Regional Plan, the comprehensive coverage management system shall reduce coverage overall, reduce coverage in land capability districts 1 and 2 compared to the parcel level limitations in the Regional Plan and Code of Ordinances and not increase allowed coverage within 300 feet of Lake Tahoe (excluding those areas landward of Highways 28 and 89 in Kings Beach and Tahoe City Town Centers within that zone).
- K. Additional land coverage limitations shall be implemented within 300 feet of Lake Tahoe, as further described in the Code of Ordinances.
- L. Residential developments that comprise 100% affordable, moderate, or achievable units, located in land capability districts 4 through 7 and within an approved area plan, may increase maximum land coverage above 70% in centers if they demonstrate participation in a stormwater collection and treatment system that is consistent with TRPA requirements and approved by the applicable state water quality agency (i.e., LRWQCB or NDEP depending on where it is located), where required. Coverage transfers to increase coverage from the base coverage up to the maximum coverage allowed shall be in conformance with the ratios set forth in Section 30.4.3 of the Code of Ordinances.

**LU-2.12 REHABILITATION, RECONSTRUCTION, AND UPGRADING OF THE EXISTING INVENTORY OF STRUCTURES, OR OTHER FORMS OF COVERAGE IN THE TAHOE REGION, ARE HIGH PRIORITIES OF THE REGIONAL PLAN. TO ENCOURAGE REHABILITATION AND UPGRADING OF STRUCTURES, THE FOLLOWING POLICIES SHALL APPLY:**

- A. Repair or reconstruction of buildings damaged or destroyed by fire or other calamity subject to Policy LU-2.3 of this subelement is exempt from this policy.
- B. Reconstruction, rehabilitation, modification, relocation, or major repair of structures or coverage other than as specified in *Subsection A* above may be allowed, provided such use is allowed under this Land Use Subelement. For parcels with existing coverage in excess of the Bailey Coefficients, a land coverage mitigation program shall be set by ordinance, which shall provide for the reduction of coverage in an amount proportional to the cost of the repair, reconstruction, relocation, rehabilitation, or modification, and to the extent of excess coverage. To accomplish these reductions, property owners shall have at least the following options:
  - i. reducing coverage on-site;
  - ii. reducing coverage off-site;
  - iii. paying a rehabilitation fee in lieu of on-site or off-site coverage reduction in an amount established by Agency ordinance to help fund a land bank program established to accomplish coverage reductions;
  - iv. lot consolidation with a contiguous parcel or lot line adjustment to reduce the percentage of excess coverage on the resulting parcels; or
  - v. any combination of the foregoing options.

- C. Existing development in Centers with excess coverage may earn multi-residential bonus units, tourist accommodation bonus unit and bonus commercial floor area for removing and retiring excess coverage onsite.
- D. Existing coverage may be relocated within a parcel provided it is relocated to areas of equal or superior environmental capability consistent with *Subsection B* above.
- E. TRPA shall maintain a rehabilitation fee schedule that is adequate to carry out an effective land coverage banking program, equitably divides the costs to the public and private sectors, and has the minimum possible deterrent effect on the Regional Plan goal of encouraging rehabilitation, reconstruction, and upgrading of the existing inventory of structures. The rehabilitation fee schedule shall be updated annually.
- F. In approving repair, reconstruction, rehabilitation, modification, or relocation of structures or other coverage, the Agency shall also apply other relevant standards, including installation and maintenance of Best Management Practices or compliance with the design review guidelines.

### **GOAL LU-3**

**PROVIDE TO THE GREATEST POSSIBLE EXTENT, WITHIN THE CONSTRAINTS OF THE ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES, A DISTRIBUTION OF LAND USE THAT ENSURES THE SOCIAL, ECONOMIC, AND ENVIRONMENTAL WELL-BEING OF THE REGION.**

The Tahoe Regional Planning Agency Bi-State Compact and extensive public testimony call for TRPA, along with other governmental and private entities, to safeguard the well-being of those who live in, work in, or visit the Region.

#### **POLICIES:**

**LU-3.1 ALL PERSONS SHALL HAVE THE OPPORTUNITY TO UTILIZE AND ENJOY THE REGION'S NATURAL RESOURCES AND AMENITIES.**

**LU-3.2 NO PERSON OR PERSONS SHALL DEVELOP PROPERTY SO AS TO ENDANGER THE PUBLIC HEALTH, SAFETY, AND WELFARE.**

Persons who develop property in the Region must ensure that their development conforms to the Goals and Policies Plan, all TRPA regulations and all applicable local, state, and federal laws pertaining to public health, safety and welfare.

**LU-3.3 DEVELOPMENT IS PREFERRED IN AND DIRECTED TOWARD CENTERS, AS IDENTIFIED ON THE REGIONAL LAND USE MAP. CENTERS SHALL HAVE THE FOLLOWING CHARACTERISTICS:**

- 1) A concentration of non-residential and mixed-use development at a higher intensity than exists in other areas of the Region.
- 2) Existing or planned transit service.
- 3) Highway access.
- 4) Infill and redevelopment opportunities.

- 5) Capacity for receiving transfers of development rights and relocations of existing development.
- 6) Existing or planned housing in the vicinity.
- 7) Existing or planned street designs with continuous sidewalks, paths and other infrastructure that promotes walking, bicycling and transit use so as to encourage mobility without use of private vehicles.

- LU-3.4 EXISTING DEVELOPMENT PATTERNS IN RESIDENTIAL NEIGHBORHOODS OUTSIDE OF CENTERS AND ENVIRONMENTALLY-SENSITIVE LANDS SHOULD BE MAINTAINED WITH NO SIGNIFICANT CHANGE.**
- LU-3.5 DEVELOPMENT IS DISCOURAGED IN AND DIRECTED AWAY FROM ENVIRONMENTALLY-SENSITIVE LANDS AND AREAS FURTHEST FROM NON-RESIDENTIAL SUPPORT SERVICES. THESE AREAS ARE FURTHER DEFINED IN OTHER PLAN POLICIES.**
- LU-3.6 TRPA SHALL RESERVE A PORTION OF THE AVAILABLE DEVELOPMENT ALLOCATIONS AND RESIDENTIAL BONUS UNITS TO PROMOTE THE TRANSFER OF DEVELOPMENT RIGHTS FROM SENSITIVE LANDS TO CENTERS.**
- LU-3.7 TRPA SHALL MAINTAIN A PORTION OF THE AVAILABLE DEVELOPMENT ALLOCATIONS AND RESIDENTIAL BONUS UNITS TO PROMOTE THE TRANSFER OF DEVELOPMENT RIGHTS FROM OUTLYING RESIDENTIAL AREAS TO CENTERS.**
- LU-3.8 TRPA SUPPORTS SENSITIVE LAND AND DEVELOPMENT RIGHT ACQUISITION PROGRAMS THAT PRIORITIZE THE RETIREMENT OF DEVELOPMENT AND THE RESTORATION OF SENSITIVE LAND.**

#### **GOAL LU-4**

**REGIONAL PLAN GOALS, POLICIES, AND ORDINANCES SHALL BE IMPLEMENTED USING AN INTEGRATED SYSTEM OF REGIONAL AND LOCAL GOVERNMENT PLANNING.**

#### **POLICIES:**

- LU-4.1 THE REGIONAL PLAN LAND USE MAP IDENTIFIES GROUPINGS OF GENERALIZED LAND USES AND PRIORITY REDEVELOPMENT AREAS IN THE REGION. AREAS OF SIMILAR USE AND CHARACTER ARE MAPPED AND CATEGORIZED WITHIN ONE OR MORE OF THE FOLLOWING EIGHT LAND USE CLASSIFICATIONS: WILDERNESS, BACKCOUNTRY, CONSERVATION, RECREATION, RESORT RECREATION, RESIDENTIAL, MIXED-USE, AND TOURIST. THESE LAND USE CLASSIFICATIONS SHALL DICTATE ALLOWABLE LAND USES. EXISTING URBANIZED AREAS ARE IDENTIFIED AS CENTERS AND INCLUDE TOWN CENTERS, THE REGIONAL CENTER AND THE HIGH DENSITY TOURIST DISTRICT. CENTERS ARE THE AREAS WHERE SUSTAINABLE REDEVELOPMENT IS ENCOURAGED.**



Since the development permitted under this plan is generally limited to the existing urban boundaries in which uses have already been established, the concept of this land use plan is directed toward encouraging infill and redirection. The intent of this system is to provide flexibility when dealing with existing uses, continuation of acceptable land use patterns, and redirection of unacceptable land use patterns. Implementation ordinances set forth the detailed management criteria and allowed uses for each land use classification.

### **Wilderness**

Wilderness Districts are designated and defined by the U.S. Congress as part of the National Wilderness Preservation System. These lands offer outstanding opportunities for solitude and primitive, unconfined recreation experiences, and they contain ecological, geological, and other features of scientific, educational, scenic and historic value. The wilderness designation is intended to protect and preserve such areas for present and future generations. These lands are managed to prevent the degradation of wilderness character. Natural ecological processes and functions are preserved, and restored where necessary. Permanent improvements and mechanized uses are prohibited. Wilderness District lands within the Tahoe Region include portions of the Desolation, Granite Chief and Mount Rose Wilderness Areas.

### **Backcountry**

Backcountry Districts are designated and defined by the U.S. Forest Service as part of their Resource Management Plans. These lands are roadless areas including Dardanelles/Meiss, Freel Peak and Lincoln Creek. On these lands, natural ecological processes are primarily free from human influences. Backcountry areas offer a recreation experience similar to wilderness, with places for people seeking natural scenery and solitude. Primitive and semi-primitive recreation opportunities include hiking, camping, wildlife viewing, and cross-country skiing, in addition to more developed or mechanized activities not allowed in wilderness areas (e.g., mountain biking, snowmobiling). Management activities that support administrative and dispersed recreation activities are minimal, but may have a limited influence. Limited roads may be present in some backcountry areas; road reconstruction may be permitted on backcountry lands where additional restrictions do not apply. Backcountry areas contribute to ecosystem and species diversity and sustainability, serve as habitat for fauna and flora, and offer wildlife corridors. These areas provide a diversity of terrestrial and aquatic habitats, and support species dependent on large, undisturbed areas of land. Backcountry areas are managed to preserve and restore healthy watersheds with clean water and air, and healthy soils. Watershed processes operate in harmony with their setting, providing high quality aquatic habitats.

### **Conservation**

Conservation areas are non-urban areas with value as primitive or natural areas, with strong environmental limitations on use, and with a potential for dispersed recreation or low intensity resource management. Conservation areas include (1) public lands already set aside for this purpose, (2) high-hazard lands, stream environment zones, and other fragile areas, without substantial existing improvements, (3) isolated areas which do not contain the necessary infrastructure for development, (4) areas capable of sustaining only passive recreation or non-intensive agriculture, and (5) areas suitable for low-to-moderate resource management.

### **Recreation**

Recreation areas are non-urban areas with good potential for developed outdoor recreation, park use, or concentrated recreation. Lands which this plan identified as recreation areas include (1) areas of existing private and public recreation use, (2) designated local, state, and federal recreation areas, (3) areas without overriding environmental constraints on resource management or recreational purposes, and (4) areas with unique recreational resources which may service public needs, such as beaches and ski areas.

### **Resort Recreation**

Resort Recreation areas are the specific Edgewood and Heavenly parcels depicted on Map 1 of the Regional Plan.

### **Residential**

Residential areas are urban areas having potential to provide housing for the residents of the Region. In addition, the purpose of this classification is to identify density patterns related to both the physical and manmade characteristics of the land and to allow accessory and non-residential uses that complement the residential neighborhood. These lands include: (1) areas now developed for residential purposes; (2) areas of moderate-to-good land capability; (3) areas within urban boundaries and serviced by utilities; and (4) areas of centralized location in close proximity to commercial services and public facilities.

### **Mixed-Use**

Mixed-use areas are urban areas that have been designated to provide a mix of commercial, public services, light industrial, office, and residential uses to the Region or have the potential to provide future commercial, public service, light industrial, office, and residential uses. The purpose of this classification is to concentrate higher intensity land uses for public convenience, and enhanced sustainability.

### **Tourist**

Tourist areas are urban areas that have the potential to provide intensive tourist accommodations and services or intensive recreation. This land use classification also includes areas recognized by the Bi-State Compact as suitable for gaming. These lands include areas that are:

- 1) already developed with high concentrations of visitor services, visitor accommodations, and related uses;
- 2) of good to moderate land capability (land capability districts 4-7);
- 3) with existing excess land coverage; and
- 4) located near commercial services, employment centers, public services and facilities, transit facilities, pedestrian paths, and bicycle connections

### **Town Center District**

Town centers contain most of the Region's non-residential services and have been identified as a significant source of sediments and other contaminants that continue to enter Lake Tahoe. Town centers are targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern and provides economic opportunities in the Region.

### **Regional Center District**

The Regional Center includes a variety of land uses in the core of South Lake Tahoe, including the Gondola and base lodge facilities for Heavenly Ski Area. Development patterns in the Regional Center have been and should continue to be more intensive than town centers and less intensive than the High Density Tourist District. Older development within the Regional Center is a significant source of sediment and other water contaminants. The Regional Center is targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern and provides economic opportunities in the Region.

### **High Density Tourist District**

The High Density Tourist District contains a concentration of hotel/casino towers and is targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern and provides economic opportunities for local residents. The High Density Tourist District is the appropriate location for the Region's highest intensity development.

### **Stream Restoration Plan Area**

Stream Restoration Plan Areas are Stream Environment Zones along major waterways that have been substantially degraded by prior or existing development. Individual Restoration Plans should be developed for each Stream Restoration Plan Area in coordination with the applicable local government and property owners in the plan area. Restoration Plans may be developed as a component of an Area Plan or as a separate document and should identify feasible opportunities for environmental restoration.

- LU-4.2      DETAILED PLAN AREA STATEMENTS HAVE BEEN APPROVED FOR ALL PROPERTIES IN THE REGION. THESE PLAN AREA STATEMENTS WERE ADOPTED IN ACCORDANCE WITH THE 1987 REGIONAL PLAN AND SHALL REMAIN IN EFFECT UNTIL SUPERSEDED BY AREA PLANS THAT ARE DEVELOPED IN ACCORDANCE WITH AND FOUND IN CONFORMANCE WITH THIS REGIONAL PLAN. IF ANY PLAN AREA STATEMENT CONTAINS PROVISIONS THAT CONTRADICT NEWER PROVISIONS OF THE REGIONAL PLAN OR DEVELOPMENT CODE, THE NEWER PROVISIONS OF THE REGIONAL PLAN OR DEVELOPMENT CODE SHALL PREVAIL, BUT ONLY TO THE EXTENT THAT SPECIFIC PROVISIONS CONFLICT.**
- LU-4.3      COMMUNITY PLANS HAVE BEEN APPROVED FOR SOME PROPERTIES IN THE REGION TO REFINE AND SUPERSEDE THE PLAN AREA STATEMENTS. THESE COMMUNITY PLANS WERE ADOPTED IN ACCORDANCE WITH THE 1987 REGIONAL PLAN AND SHALL REMAIN IN EFFECT UNTIL SUPERSEDED BY AREA PLANS THAT ARE DEVELOPED IN ACCORDANCE WITH AND FOUND IN CONFORMANCE WITH THIS REGIONAL PLAN. IF ANY COMMUNITY PLAN CONTAINS PROVISIONS THAT CONTRADICT NEWER PROVISIONS OF THE REGIONAL PLAN OR DEVELOPMENT CODE, THE NEWER PROVISIONS OF THE REGIONAL PLAN OR DEVELOPMENT CODE SHALL PREVAIL, BUT ONLY TO THE EXTENT THAT SPECIFIC PROVISIONS CONFLICT.**
- LU-4.4      OTHER DETAILED PLANS, SUCH AS THE AIRPORT MASTER PLAN, SKI AREA MASTER PLANS, AND REDEVELOPMENT PLANS HAVE ALSO BEEN APPROVED FOR SOME PROPERTIES IN THE**

REGION TO FURTHER REFINE AND SUPERSEDE THE PLAN AREA STATEMENTS. THESE PLANS WERE ADOPTED IN ACCORDANCE WITH THE 1987 REGIONAL PLAN AND SHALL REMAIN IN EFFECT UNTIL SUPERSEDED BY AREA PLANS THAT ARE DEVELOPED IN ACCORDANCE WITH AND FOUND IN CONFORMANCE WITH THIS REGIONAL PLAN. IF ANY OF THESE PLANS CONTAIN PROVISIONS THAT CONTRADICT NEWER PROVISIONS OF THE REGIONAL PLAN OR DEVELOPMENT CODE, THE NEWER PROVISIONS OF THE REGIONAL PLAN OR DEVELOPMENT CODE SHALL PREVAIL, BUT ONLY TO THE EXTENT THAT SPECIFIC PROVISIONS CONFLICT.

**LU-4.5** TRPA SHALL REQUEST THAT ALL LOCAL, STATE, FEDERAL AND TRIBAL GOVERNMENTS IN THE REGION PROVIDE WRITTEN STATEMENTS INDICATING THEIR INTENT TO PREPARE AREA PLANS AND THEIR ANTICIPATED SCHEDULE FOR COMPLETION OF AREA PLANS FOR AREAS WITHIN THEIR JURISDICTION. STATEMENTS OF INTENT SHOULD BE PROVIDED TO TRPA NO LATER THAN DECEMBER 31, 2013. THE TRPA GOVERNING BOARD SHALL EVALUATE THE LOCAL GOVERNMENT STATEMENTS OF INTENT AND DEVELOP AN ACTION PLAN BY APRIL 30, 2014. THE ACTION PLAN MAY INCLUDE UPDATES AND CONSOLIDATIONS OF PLAN AREA STATEMENTS, COMMUNITY PLANS AND OTHER PLANS FOR AREAS THAT ARE NOT INCLUDED IN AREA PLANS. ANY PLANS THAT ARE UPDATED BY TRPA MAY UTILIZE THE PROVISIONS THAT APPLY TO AREA PLANS.

**LU-4.6** IN ORDER TO BE RESPONSIVE TO THE UNIQUE NEEDS AND OPPORTUNITIES OF COMMUNITIES OF THE REGION, LOCAL, STATE, FEDERAL AND TRIBAL GOVERNMENTS ARE ENCOURAGED TO PREPARE CONFORMING AREA PLANS THAT SUPERSEDE EXISTING PLAN AREA STATEMENTS AND COMMUNITY PLANS OR OTHER TRPA REGULATIONS FOR AREAS WITHIN THEIR JURISDICTION. AREA PLANS SHALL BE PREPARED IN COORDINATION WITH LOCAL RESIDENTS, OTHER STAKEHOLDERS AND TRPA STAFF, AND SHALL BE CONSISTENT WITH THE REGIONAL GOAL AND POLICY PLAN AND APPLICABLE ORDINANCES. AFTER BEING FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, AREA PLANS SHALL BECOME A COMPONENT OF THE REGIONAL PLAN.

**LU-4.7** AFTER APPROVAL BY LOCAL, STATE, FEDERAL OR TRIBAL GOVERNMENTS, AREA PLANS SHALL BE REVIEWED BY THE TRPA GOVERNING BOARD AT A PUBLIC HEARING. IN ORDER TO TAKE EFFECT, THE TRPA GOVERNING BOARD SHALL MAKE A FINDING THAT THE AREA PLAN, AND ZONING AND DEVELOPMENT CODES WITHIN THE PLAN, ARE CONSISTENT WITH AND FURTHER 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.

**LU-4.8** IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, ALL AREA PLANS SHALL INCLUDE POLICIES, ORDINANCES AND OTHER IMPLEMENTATION MEASURES TO:

- 1) Identify 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) Either be consistent with the Regional Land Use Map or recommend and adopt

amendments to the Regional Land Use Map as part of an integrated plan to comply with 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.
- 8) Identify facilities and implementation measures to enhance pedestrian, bicycling and transit opportunities along with other opportunities to reduce automobile dependency.

**LU-4.9      IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, ALL AREA PLANS THAT INCLUDE TOWN CENTERS OR THE REGIONAL CENTER SHALL INCLUDE POLICIES, ORDINANCES AND OTHER IMPLEMENTATION MEASURES TO:**

- 1) Address all requirements of *Policy LU-4.8*.
- 2) 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.
- 3) 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.
- 4) Use standards within town centers and the Regional Center addressing the form of development and requiring that projects promote pedestrian activity and transit use.
- 5) Ensure adequate capacity for redevelopment and transfers of development rights into town centers and the Regional Center.
- 6) Identify an integrated community strategy for coverage reduction and enhanced stormwater management.
- 7) Demonstrate that all development activity within town centers and the Regional Center will provide threshold gain, including but not limited to measurable improvements in water quality.

**LU-4.10      IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, AREA PLANS THAT INCLUDE THE HIGH DENSITY TOURIST DISTRICT SHALL INCLUDE POLICIES, ORDINANCES AND OTHER IMPLEMENTATION MEASURES TO:**

- 1) Address all requirements of Policies LU-4.8 and LU-4.9.

- 2) Include building and site design standards that substantially enhance the appearance of existing buildings in the High Density Tourist District.
- 3) Provide pedestrian, bicycle and transit facilities connecting the High Density Tourist District with other regional attractions.
- 4) Demonstrate that all development activity within the High Density Tourist District will provide threshold gain, including but not limited to measurable improvements in water quality. If necessary to achieve threshold gain, off-site improvements may be additionally required.

**LU-4.11 LOCAL, STATE, FEDERAL AND TRIBAL GOVERNMENTS MAY ADOPT DEVELOPMENT ORDINANCES THAT SUPERSEDE TRPA ORDINANCES IF THE AREA PLAN AND ASSOCIATED ORDINANCES ARE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, AND MEET THE INTENT OF TRPA ORDINANCES.**

**LU-4.12 ONCE AN AREA PLAN, AND ZONING AND DEVELOPMENT CODES WITHIN THE PLAN, HAVE BEEN FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, LOCAL, STATE, FEDERAL AND TRIBAL GOVERNMENTS MAY ASSUME DEVELOPMENT REVIEW AUTHORITY BY MEMORANDUM OF UNDERSTANDING WITH TRPA, SUBJECT TO THE FOLLOWING LIMITATIONS:**

- 1) The TRPA Governing Board shall annually review a sample of permits issued within each Area Plan, and shall certify that the Area Plans are being implemented in conformance with the Regional Plan. If the TRPA Governing Board finds that development that has been permitted within an Area Plan does not comply with the Conforming Area Plan, TRPA may retract delegation of certain permitting authority and implement the Conforming Area Plan.
- 2) Where applicable, Area Plans shall be prepared and maintained in coordination with TMDL regulatory agencies and applicable load reduction plans, as specified in the Code of Ordinances.
- 3) Approval of projects within Area Plans shall require TRPA review and approval if the project includes any of the following criteria, except for minor improvements as further specified in the Code of Ordinances:
  - i. All development within the High Density Tourist District;
  - ii. All development within the Shorezone of Lake Tahoe;
  - iii. All development within the Conservation District;
  - iv. All development within the Resort Recreation District;
  - v. All development meeting criteria on the following table:

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

- 4) All delegated permitting decisions shall be appealable to TRPA. Appeal procedures are set forth in the Code of Ordinances and are intended to address the following goals:
  - i. Eliminate frivolous appeals and appellants “laying in wait” by encouraging early and consistent engagement.
  - ii. Increase procedural certainty and timeliness irrespective of outcomes.
  - iii. Establish that project-by-project negotiation should not be the Governing Board’s default position.
- 5) All ongoing TRPA development monitoring and reporting requirements are met.
- 6) The limitations on delegation specified in the Table above may be increased or decreased by the TRPA Governing Board. The levels of delegation may be decreased, or increased if the Governing Board finds that lead agencies, based on ongoing monitoring, reporting and performance review, are acting on projects consistent with the Area Plan and that the terms and conditions of the Area Plan are being met. After four years from the adoption of this provision, the Governing Board shall consider increasing the levels of delegation.

**LU-4.13 TRPA SHALL TAKE AN ACTIVE ROLE IN ASSISTING WITH THE DEVELOPMENT OF CONFORMING AREA PLANS TO HELP ENSURE THAT AREA PLANS ARE IN CONFORMANCE WITH TRPA REQUIREMENTS. LOCAL, STATE, FEDERAL AND TRIBAL GOVERNMENTS SHALL ALSO SEEK REVIEW AND COMMENT FROM ALL PUBLIC AGENCIES WITH JURISDICTIONAL AUTHORITY AT APPROPRIATE POINTS IN THE PLANNING PROCESS TO ENSURE THAT REQUIREMENTS OF OTHER PUBLIC AGENCIES ARE ADDRESSED. THIS POLICY IS INTENDED TO ENSURE THAT EACH AREA PLAN, AND ZONING AND DEVELOPMENT CODES WITHIN THE PLAN, WHEN PRESENTED TO TRPA FOR CONFORMANCE REVIEW AND APPROVAL, WILL HAVE ADDRESSED THE NEEDS AND CONCERNS OF THE COMMUNITY AND WILL BE CONSISTENT WITH ALL APPLICABLE LOCAL, STATE, AND REGIONAL PLAN REQUIREMENTS.**

## **GOAL LU-5**

### **COORDINATE THE REGULATION OF LAND USES WITHIN THE REGION WITH THE LAND USES SURROUNDING THE REGION.**

To minimize the impacts on one another, the Tahoe Region and its surrounding communities should attempt to coordinate land use planning decisions. This goal is especially pertinent with respect to major land use decisions immediately adjacent to the Region which may have significant impacts on the Region and affect the ability of TRPA to attain environmental thresholds.

#### **POLICIES:**

##### **LU-5.1 THE REGIONAL PLAN SHALL ATTEMPT TO MITIGATE ADVERSE IMPACTS GENERATED BY THE PLAN WITHIN THE REGION, AND NOT EXPORT THE IMPACTS TO SURROUNDING AREAS.**

Where project approvals or other proposed actions by TRPA would adversely impact surrounding areas, TRPA shall consult with the affected jurisdictions. While the Agency will attempt to ensure that adverse impacts are mitigated within the Region, there may be situations where the adverse impacts on surrounding areas are outweighed by the environmental harm that would result from absorbing all impacts within the Region. In that regard, state laws in California and Nevada require the export of virtually all waste-waters and solid wastes from the Region.

##### **LU-5.2 WHERE NECESSARY FOR THE REALIZATION OF THE REGIONAL PLAN, THE AGENCY MAY ENGAGE IN COLLABORATIVE PLANNING WITH LOCAL GOVERNMENTAL JURISDICTIONS LOCATED OUTSIDE THE REGION, BUT CONTIGUOUS TO ITS BOUNDARIES. THE TRPA GOVERNING BOARD SHALL INITIATE ALL COLLABORATIVE PLANNING EFFORTS THAT ARE AUTHORIZED BY THIS POLICY.**



## HOUSING

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The purpose of this Subelement is to assess the housing needs of the Region and to make provisions for adequate housing. The Bi-State Compact does not specifically mandate this Subelement nor do the environmental thresholds address this topic. However, the states of Nevada and California both require housing to be addressed as part of a General Plan. It is the intent of this Subelement to address housing issues on a regional basis with Area Plans handling the specifics of implementation.

### **GOAL HS-1**

**PROMOTE HOUSING OPPORTUNITIES FOR FULL-TIME AND SEASONAL RESIDENTS AS WELL AS WORKERS EMPLOYED WITHIN THE REGION.**

#### **POLICIES:**

- HS-1.1 SPECIAL INCENTIVES, SUCH AS BONUS DEVELOPMENT UNITS, WILL BE GIVEN TO PROMOTE AFFORDABLE OR GOVERNMENT-ASSISTED HOUSING FOR LOWER INCOME HOUSEHOLDS (80 PERCENT OF RESPECTIVE COUNTY'S MEDIAN INCOME) AND FOR VERY LOW INCOME HOUSEHOLDS (50 PERCENT OF RESPECTIVE COUNTY'S MEDIAN INCOME). EACH COUNTY'S MEDIAN INCOME WILL BE DETERMINED ACCORDING TO THE INCOME LIMITS PUBLISHED ANNUALLY BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.**
- HS-1.2 LOCAL GOVERNMENTS WILL BE ENCOURAGED TO ASSUME THEIR "FAIR SHARE" OF THE RESPONSIBILITY TO PROVIDE LOWER AND VERY LOW INCOME HOUSING.**
- HS-1.3 FACILITIES SHALL BE DESIGNED AND OCCUPIED IN ACCORDANCE WITH LOCAL, REGIONAL, STATE, AND FEDERAL STANDARDS FOR THE ASSISTANCE OF HOUSEHOLDS WITH LOW AND VERY LOW INCOMES. SUCH HOUSING UNITS SHALL BE MADE AVAILABLE FOR RENTAL OR SALE AT A COST TO SUCH PERSONS THAT WOULD NOT EXCEED THE RECOMMENDED STATE AND FEDERAL STANDARDS.**
- HS-1.4 AFFORDABLE OR GOVERNMENT ASSISTED HOUSING FOR LOWER INCOME HOUSEHOLDS SHOULD BE LOCATED IN CLOSE PROXIMITY TO EMPLOYMENT CENTERS, GOVERNMENT SERVICES, AND TRANSIT FACILITIES. SUCH HOUSING MUST BE COMPATIBLE WITH THE SCALE AND DENSITY OF THE SURROUNDING NEIGHBORHOOD.**

## GOAL HS-2

TO THE EXTENT FEASIBLE, WITHOUT COMPROMISING THE GROWTH MANAGEMENT PROVISIONS OF THE REGIONAL PLAN, THE ATTAINMENT OF THRESHOLD GOALS, AND AFFORDABLE HOUSING INCENTIVE PROGRAMS, MODERATE INCOME HOUSING WILL BE ENCOURAGED IN SUITABLE LOCATIONS FOR THE RESIDENTS OF THE REGION.

### POLICIES:

- HS-2.1 SPECIAL INCENTIVES, SUCH AS BONUS DEVELOPMENT UNITS, WILL BE MADE AVAILABLE TO PROMOTE HOUSING FOR MODERATE INCOME HOUSEHOLDS (120 PERCENT OF RESPECTIVE COUNTY'S MEDIAN INCOME). SUCH INCENTIVES SHALL BE MADE AVAILABLE WITHIN JURISDICTIONS THAT DEVELOP HOUSING PROGRAMS THAT ARE SUBSTANTIALLY CONSISTENT WITH AND COMPLEMENTARY TO THE REGIONAL PLAN.
- HS-2.2 RESIDENTIAL UNITS DEVELOPED USING MODERATE INCOME HOUSING INCENTIVES SHALL BE USED TO PROVIDE HOUSING FOR FULL-TIME RESIDENTS OF THE TAHOE REGION. SUCH UNITS SHALL NOT BE USED FOR VACATION RENTAL PURPOSES.
- HS-2.3 RESIDENTIAL UNITS DEVELOPED USING MODERATE INCOME HOUSING INCENTIVES SHALL REMAIN PERMANENTLY WITHIN THE PROGRAM.

## GOAL HS-3

REGULARLY EVALUATE HOUSING NEEDS IN THE REGION AND UPDATE POLICIES AND ORDINANCES IF NECESSARY TO ACHIEVE STATE, LOCAL AND REGIONAL HOUSING GOALS.

### POLICIES:

- HS-3.1 TRPA SHALL REGULARLY REVIEW ITS POLICIES AND REGULATIONS TO REMOVE IDENTIFIED BARRIERS PREVENTING THE CONSTRUCTION OF NECESSARY AFFORDABLE HOUSING IN THE REGION. TRPA STAFF WILL WORK WITH LOCAL JURISDICTIONS TO ADDRESS ISSUES INCLUDING, BUT NOT LIMITED TO, WORKFORCE, AFFORDABLE, AND MODERATE-~~INCOME~~ HOUSING, ACCESSORY DWELLING UNITS, SECONDARY RESIDENTIAL UNITS AND LONG-TERM RESIDENCY IN MOTEL UNITS IN ACCORDANCE WITH THE TIMELINE OUTLINED IN THE IMPLEMENTATION ELEMENT. DUE TO THE CHALLENGE OF BUILDING AFFORDABLE AND WORKFORCE HOUSING IN THE TAHOE BASIN, TRPA AND/OR THE LOCAL JURISDICTIONS SHALL SET DENSITY, HEIGHT, AND PARKING STANDARDS TO PROMOTE PROJECTS THAT INCLUDE DEED-RESTRICTED AFFORDABLE, MODERATE, AND ACHIEVABLE HOUSING UNITS THROUGH THE FOLLOWING OPTIONS:

A. TRPA shall adopt development standards to promote 100% deed-restricted affordable, moderate and achievable housing that supersede local jurisdiction's standards, including in

approved area plans (as set forth in TRPA Code section 13.6.7), and TRPA plan area statements and community plans; or

B. Local jurisdictions may propose within an area plan, alternative development standards for deed-restricted affordable, moderate or achievable housing that adjust TRPA's standards if the jurisdiction demonstrates that the alternative standards are at least as effective as TRPA standards in facilitating the construction of deed-restricted affordable, moderate, and achievable housing in the applicable jurisdiction. These alternatives may include, but are not limited to, an approved inclusionary housing ordinance, zoning additional areas for multi-family housing, providing donated land or other public subsidies, or installation of area-wide stormwater systems in preferred affordable and workforce housing locations.

Attachment F  
Code of Ordinance Amendments Chapters 1, 13, 30, 31, 34, 36, 37, 52, and 90

## 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. 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, statements of intent shall be provided to TRPA before work on an Area Plan is initiated. The TRPA Governing Board shall review the initial statements of intent and develop an action plan for incorporation into the annual TRPA work program. 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 subparagraph 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. Except as otherwise specified, Code provisions that apply to Plan Area Statements (Chapter 11), Community Plans (Chapter 12), and Specific and Master Plans (Chapter 14) may also be utilized in a Conforming Area Plan. If an Area Plan proposes to modify any provision that previously applied to Plan Area Statements, Community Plans, or Specific and Master Plans, the proposed revision shall be analyzed in accordance with Code Chapters 3 and 4.

### 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.

TABLE 13.5.3-1: MINIMUM DEVELOPMENT STANDARDS FOR AREA PLANS											
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 <del>4 stories</del> {56 ft} max. [1]	Up to <del>6 stories</del> {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]		
<p>[1] With adoption of an Area Plan. To ensure compatibility with adjacent uses and viewshed protection, the findings in Sec. 37.7.16 shall apply.</p> <p>[2] Limited to replacement structures, provided, the structures to be demolished and replaced are an existing casino hotel, with existing structures of at least eight stories, or 85 feet of height as measured from the lowest point of natural grade. Such structures shall also comply with Sec. 37.7.17.</p> <p>[3] Areas of Community Plans outside of Centers shall not be eligible for the alternative height and density allowances authorized in Area Plans for Centers. Any existing project density approved pursuant to Section 31.4.3 may be retained in an Area Plan.</p> <p>[4] Plan for sidewalks, trails, and other pedestrian amenities providing safe and convenient non-motorized circulation within Centers, as applicable, and incorporating the Regional Bike and Pedestrian Plan.</p>											

#### 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 subsections 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).

**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;
- 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 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 seek to reestablish natural forest conditions in a manner that does not increase the risk of catastrophic wildfire.

**D. 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:

1. The parcels must become part of an approved Area Plan;
2. Subdivisions shall be limited to “air space condominium” divisions with no lot and block subdivisions allowed;
3. Development shall be transferred from outside the area designated as Resort Recreation; and
4. Transfers shall result in the retirement of existing development.

**E. Greenhouse Gas Reduction Strategy**

To be found in conformance with the Regional Plan, Area Plans shall include a strategy to reduce emissions of Greenhouse Gases from the operation or construction of buildings. The strategy shall include elements in addition to those included to satisfy other state requirements or requirements of this code. Additional elements included in the strategy may include but are not limited to the following:

1. A local green building incentive program to reduce the energy consumption of new or remodeled buildings;
2. A low interest loan or rebate program for alternative energy projects or energy efficiency retrofits;
3. Modifications to the applicable building code or design standards to reduce energy consumption; or
4. Capital improvements to reduce energy consumption or incorporate alternative energy production into public facilities.

**F. 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:

Existing natural features retained and incorporated into the site design;

Building placement and design that are compatible with adjacent properties and designed in consideration of solar exposure, climate, noise, safety, fire protection, and privacy;

Site planning that includes a drainage, infiltration, and grading plan meeting water quality standards; and

Access, parking, and circulation that are logical, safe, and meet the requirements of the transportation element.

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

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

Existing or planned pedestrian and bicycle facilities shall connect properties within Centers to transit stops and the Regional Bicycle and Pedestrian network.

Area Plans shall encourage the protection of views of Lake Tahoe.

Building height and density should be varied with some buildings smaller and less dense than others.

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.

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.

**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:

Off-premise signs should generally be prohibited; way-finding and directional signage may be considered where scenic impacts are minimized and mitigated;

Signs should be incorporated into building design;

When possible, signs should be consolidated into clusters to avoid clutter;

Signage should be attached to buildings when possible; and

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.

**G. 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.

**H. Procedures for Establishing Land Use Boundaries within Area Plans**

When uncertainty exists with respect to the boundaries of any land use (other than a Town Center) depicted on Map 1: *Conceptual Regional Land Use Map* of the Regional Plan. When developing an Area Plan- because of the scale of the map, or for any other reason that makes the exact boundary determination difficult or uncertain, the precise boundary line shall be established by using the following criteria:

1. Where land use boundaries appear to follow the center or right-of-way lines of streets or highways, such lines shall be treated as the land use boundaries;
2. Where land use boundaries appear to be approximately parallel to center or right-of-way lines of streets or highways, such boundaries shall be treated as being parallel to such lines and at distances as indicated on the map;
3. Where land use boundaries appear to follow ownership boundaries, such boundaries shall be the land use boundaries; and
4. Where land use boundaries appear to follow land capability or shorezone tolerance district boundaries, such boundaries, as field-verified, shall be the land use boundaries.

**I. Height and Density Standards for Affordable, Moderate, and Achievable Housing in Centers Effective in Area Plans**

A. The maximum height specified in table 13.5.3-1 may be increased for residential or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable housing, as described in subsection 36.13. The maximum height shall be no greater than 65', provided the additional height is stepped back one foot for each additional foot of height above 56 feet, the building is designed to minimize shade on adjacent roads and structures between 10:00am and 2:00pm on December 21, as demonstrated in a shade analysis, and TRPA makes findings 1, 2, 3, 8, and 14, as set forth in Section 37.7. The project shall incorporate community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors, consistent with the Design Review Guidelines.

B. Residential or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable, as described in subsection 36.13, are exempt from the density maximums in Table 13.5.3.1 and Section 31.3;.

C. Local jurisdictions may propose alternative height and density allowances from what is permitted in sections A and B above, and Table 13.5.3.1, provided the jurisdiction:

1. Demonstrates that the alternative standards are at least as effective as TRPA standards in facilitating the construction of deed-restricted affordable, moderate, and achievable housing in the applicable jurisdiction. These alternatives may include, but are not limited to, an approved inclusionary housing ordinance, zoning additional areas for multi-family housing, providing donated land or other public subsidies, or installation of area-wide stormwater systems in preferred affordable and workforce housing locations.

## **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
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. 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 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. Pursuant to the criteria set forth in Subsection 13.7.3: *Activities Requiring TRPA Approval*, the Governing Board may waive the requirement for an MOU if an Area Plan is not eligible for delegation by TRPA.

### 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 subsection 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:

**TABLE 13.7.3 -1: THRESHOLDS FOR GOVERNING BOARD  
REVIEW OF PROJECTS IN CENTERS**

(All measurements are new building floor area.)

	Regional Center	Town Center	Not in Center
Residential	≥ 100,000 sq. ft.	≥ 50,000 sq. ft.	≥ 25,000 sq. ft.
Non-residential	≥ 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 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.





## CHAPTER 30: LAND COVERAGE

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### 30.1. PURPOSE

This chapter sets forth regulations for the permissible amount of land coverage in the region. It implements provisions of the Goals and Policies concerning the land capability system, land capability districts, prohibition of additional land coverage in certain land capability districts, and transfer and mitigation of land coverage.

### 30.2. APPLICABILITY

#### 30.2.1. General

All land coverage shall be regulated pursuant to the provisions of this chapter, except as provided in subsection 30.2.2.

#### 30.2.2. Individual Parcel Evaluation System

For proposed single-family dwellings on vacant parcels, and parcels originally developed under IPES, Chapter 53: *Individual Parcel Evaluation System*, also contains standards that affect the determination of allowable land coverage.

### 30.3. LAND CAPABILITY SYSTEM

The land coverage limitations set forth in this chapter are based on the land capability system established in *Land Capability Classifications of the Lake Tahoe Basin*, Bailey, R. G., 1974 ("Bailey report").

#### 30.3.1. Implementation of Land Capability System

The land capability system shall be implemented through land capability districts depicted on land capability overlay maps referred to in subsection 30.3.2. The accuracy of the land capability districts is subject to field verification pursuant to subsection 30.3.3. A land capability challenge pursuant to subsection 30.3.4 may be initiated to reclassify lands inaccurately mapped. The land capability overlay maps may also be amended by an amendment of the Regional Plan pursuant to subsection 30.3.5 or by demonstration pursuant to subsection 30.3.6 that the land has been man-modified.

#### 30.3.2. Establishment of Land Capability Districts

The land capability districts and the geomorphic groups established by the Bailey report are made part of this ordinance. For purposes of this land capability system, stream environment zones, as defined in Chapter 90: *Definitions*, are treated as Land Capability District 1b. The boundaries of each land capability district are established on the TRPA Land Capability Overlays, (January, 1987), as amended. Subject to the provisions of subsections 30.3.3, 30.3.4, 30.3.5, and 30.3.6, all land shall be classified as to land capability in accordance with the land capability districts depicted on the overlays.

#### 30.3.3. Land Capability Verification

Field verifications of land capability shall be conducted and regulated as follows:

**A. Classifications Subject to Field Verification**

Land capability classifications are subject to field verification by TRPA, or a TRPA-Certified Contractor

**B. Procedure for Site Visit**

At the request or with the permission of the owner, TRPA shall inspect the pertinent parcel.

**C. Report**

Upon completion of the inspection, TRPA shall prepare a report that identifies the observed slopes of the parcel, the field-located boundary of any stream environment zone, and any other information pertinent to the proper land capability classification of the parcel.

**D. Results of Field Verification**

As a result of the report prescribed by subparagraph 30.3.3.C, TRPA may take one or more of the following actions:

1. Verify that the parcel is accurately classified pursuant to subsection 30.3.2;
2. Make a minor boundary line adjustment of land capability districts within the parcel;
3. Determine the boundary of a stream environment zone within the parcel, whether previously mapped or not;
4. Reclassify all or part of the parcel to a different land capability district, if the reclassification can be based solely upon percentage of slope;
5. Determine that the land capability district cannot be verified, in which event a land capability challenge shall be completed pursuant to subsection 30.3.4 prior to the approval of any project on the parcel.

**E. Supersession of Actions Under Subparagraph 30.3.3.D**

Any of the actions authorized by subparagraph 30.3.3.D may be superseded by an action pursuant to subsections 30.3.4, 30.3.5, or 30.3.6. Any action by TRPA pursuant to subparagraph 30.3.3.D shall not commit or be construed as committing TRPA to approve any project on the pertinent parcel.

**F. Procedure After Verification**

A verification completed pursuant to subparagraph 30.3.3.D shall supersede the TRPA land capability overlays with respect to the pertinent parcel, except as determined by a land capability challenge or man-modified determination. Once TRPA has completed its action under subparagraph 30.3.3.D, it shall:

1. Give written notification to the owner of the parcel of the action taken;
2. Include the information set forth in the report prepared pursuant to subparagraph 30.3.3.C and the action pursuant to subparagraph 30.3.3.D in TRPA's data base for purposes of Chapter 6: *Tracking, Accounting, and Banking*; and

3. Affix a symbol to the land capability overlays denoting the action pursuant to subparagraph 30.3.3.D as applicable to the pertinent parcel.

**G. Special Procedure for TRPA-Designated Land Banks**

TRPA-designated land banks may perform field verifications on parcels owned by the land bank. Field verifications shall be performed by qualified personnel pursuant to the requirements of this subsection. A report pursuant to subparagraph C above shall be submitted to TRPA with a recommendation for action pursuant to subparagraph D. TRPA shall take the proper action and complete the verification process as set forth in subparagraph F.

**30.3.4. Land Capability Challenge**

In the event TRPA or the owner of a parcel believes such parcel is not properly classified pursuant to subsection 30.3.2, the agency or owner may initiate a land capability challenge pursuant to this subsection. The person or entity initiating the challenge shall bear the cost of the challenge.

**A. Team of Experts**

A team of experts retained by TRPA shall evaluate the land capability challenge. Depending on the nature of the challenge, the team may include, but need not be limited to, a geomorphologist, soil scientist, geologist and hydrologist, selected by TRPA. Such persons shall be recognized as possessing special qualifications to evaluate soils, land forms, hydrology, and other characteristics of land in the Tahoe region. TRPA shall consider data provided by experts retained by the owner, and TRPA's team of experts shall comment on the accuracy of the owner's data. No expert retained by the owner shall be a member of TRPA's team.

**B. Land Capability Report**

TRPA shall prepare a land capability report analyzing the land capability challenge. The report shall include:

1. A description of the parcel;
2. Identification of the soil series, geomorphic unit, slopes, and any SEZ found on the parcel;
3. A soil profile description of the site, based on one or more test pits, auger holes, or cut banks;
4. A contour map prepared by a registered surveyor or engineer on sites with complex topography, if necessary to determine land capability; and
5. A recommendation and map of the proper land capabilities for the parcel.

**C. Review and Approval of Report**

The TRPA-designated Hearings Officer shall review the land capability report. If the report recommends no change in land capability, the Hearings Officer may deny the land capability challenge, subject to an appeal to the Governing Board. If the report recommends a change in land capability, the change shall be approved or denied by the Hearings Officer. The challenge may be approved if the Hearings Officer finds that

the pertinent land, due to natural characteristics specifically identified, properly belongs in a land capability district(s) other than that in which it is presently classified.

**D. Procedure for Notification of Appeal**

An appeal to the Governing Board of the Hearings Officer's denial of a land capability challenge shall notice to affected property owners in accordance with TRPA's Rules of Procedure.

**E. Procedure After Action on Land Capability Challenge**

Once TRPA has completed its action on the land capability challenge, the agency shall follow the procedure set forth in subparagraph 30.3.3.F as though it applied to a land capability challenge pursuant to subsection 30.3.4.

**F. Special Procedure for TRPA-Designated Land Banks**

TRPA-designated land banks may initiate a land capability challenge on any parcel owned by the land bank. A team of experts pursuant to subparagraph A above, accepted by TRPA and the land bank, may be retained by the land bank. The team shall prepare a report pursuant to subparagraph B above. The TRPA Hearings Officer shall review the land capability report and approve or deny the proposed change in land capability. Upon completion of its action, TRPA shall follow the procedure set forth in subparagraph E.

**30.3.5. Amendment of Land Capability Overlays by Amendment of the Regional Plan**

The TRPA Land Capability Overlays may be amended through an amendment of the Regional Plan in the manner set forth in this subsection. The amendment may be initiated by TRPA.

**A. Minimum Area of Land**

An amendment of the Regional Plan pursuant to this subsection shall be limited to an area of land five or more acres in size.

**B. Team of Experts**

An amendment of the Regional Plan pursuant to this subsection shall be evaluated by the team of experts referred to in subparagraph 30.3.4.A under the conditions set forth in that subparagraph.

**C. Land Capability Report**

The reviewing expert(s) shall prepare a land capability report analyzing the proposed plan amendment. The report shall contain information concerning the environmental and use capacity of the pertinent land, as well as detailed information concerning topography, soils capabilities and limitations, surface and ground water conditions, geomorphology, vegetation characteristics, and related environmental factors pertinent to the land.

**D. Amendment**

An amendment of the Regional Plan pursuant to this subsection shall be processed, both procedurally and substantively, in the manner of amendment to the Regional Plan generally. The amendment may be approved if TRPA finds that the pertinent

land, due to natural characteristics specifically identified, properly belongs in a land capability district other than that in which it is presently classified.

**E. Other Matters Considered Plan Amendments**

The following actions shall be considered amendments to the Regional Plan pursuant to this subsection, and applications for such actions shall be processed accordingly:

**1. Line Adjustments**

Line adjustments of land capability district boundaries, other than minor adjustments pursuant to subsections 30.3.3 or 30.3.4; and

**2. Creation of New Land Capability Districts or Geomorphic Units**

Creation of a new land capability district with five contiguous acres or more in area, or creation of a new geomorphic unit with one square mile or more in area, unless smaller, more precise mapping units are adopted by TRPA, in which event the smaller units may be used.

**F. Procedure After Amendment**

Once TRPA has completed its action on an amendment to the Regional Plan pursuant to this subsection, the agency shall follow the procedure set forth in subparagraph 30.3.3.F as though it applied to an amendment to the Regional Plan pursuant to this subsection.

**30.3.6. Amendment of Land Capability Overlays for Man-Modified Areas**

The TRPA Land Capability Overlays may be amended for man-modified areas through an amendment of the Regional Plan in the manner set forth in this subsection. The amendment may be initiated by TRPA or the owner of the pertinent land, provided there is sufficient information demonstrating a reasonable possibility the requirements of this subsection can be met.

**A. Team of Experts**

An amendment of the Regional Plan pursuant to this subsection shall be evaluated by the team of experts referred to in subparagraph 30.3.4.A under the conditions set forth in that subparagraph.

**B. Man-Modified Report**

The team of expert(s) shall prepare a report analyzing the proposed plan amendment. The report shall contain information showing that the land in question was modified by man's placement of fill, dredging, or grading in so substantial a fashion as to generally exhibit the characteristics of a land capability district other than the one depicted for said land on the TRPA Land Capability Overlays. In addition to the above information, the report shall contain the following concerning the pertinent land:

- 1.** A statement of geomorphic characteristics;
- 2.** An analysis of surface and subsurface hydrology;
- 3.** A statement of physical and chemical soil characteristics;

4. An analysis of erosion hazard;
5. An analysis of vegetation;
6. A statement identifying the land capability characteristics resulting from the modification and an opinion by the team identifying the land capability district generally exhibiting those characteristics; and
7. Additional information reasonably required by TRPA to properly assess the merits of the application.

**C. Action on Amendment**

An amendment of the Regional Plan pursuant to this subsection shall be processed, both procedurally and substantively, in the manner of amendments to the Regional Plan generally. The amendment may be approved if TRPA finds that:

1. The land was modified prior to February 10, 1972;
2. Further development will not exacerbate the problems resulting from the modification of the land and will not adversely impact sensitive lands adjacent to or nearby the man-modified area;
3. The land no longer exhibit the characteristics of land bearing the same, original land capability classification;
4. Restoration of the land is infeasible because of factors such as the cost of restoration, a more positive cost-benefit ratio would be achieved by offsite restoration, onsite restoration would cause environmental harm, restoration onsite would interfere with an existing legal use, or the land is not identified for restoration by any TRPA program;
5. Further development can be mitigated onsite and/or offsite; and
6. Mitigation to offset the losses caused by modification of the land and pertinent land capability district, shall be as follows:
  - a. Onsite and/or offsite mitigation;
  - b. Pursuant to a maintenance program, including schedule of maintenance, proposed by the owner and approved by TRPA; and
  - c. Collection of a security, if deemed necessary by TRPA, to guarantee mitigation.

**D. Effect of Approval**

If the amendment is approved, the land coverage limitations of the land capability district, whose characteristics are exhibited by the pertinent land, shall apply to the land.

**E. Conditions Upon Amendment**

Approval of an amendment of the Regional Plan pursuant to this subsection may be granted subject to reasonable conditions in addition to those otherwise referred to in this subsection.

**F. Procedure After Amendment**

Once TRPA has completed its action on an amendment to the Regional Plan pursuant to this subsection, the agency shall follow the procedure set forth in subparagraph 30.3.3.F as though it applied to an amendment to the Regional Plan pursuant to this subsection including, but not limited to, the report prepared for and action on the amendment.

**30.4. LAND COVERAGE LIMITATIONS**

No person shall create land coverage in excess of the limitations set forth in this chapter. The means to determine base land coverage, the manner to transfer land coverage, and prohibitions of certain land coverage are set forth in this section.

**30.4.1. Base Allowable Land Coverage**

**A. Base Allowable Land Coverage Coefficients**

The base allowable land coverage shall be determined by using the coefficients set forth in *Land Capability Classifications of the Lake Tahoe Basin*, Bailey, R. G. 1974. These coefficients are:



TABLE 30.4.1-1: BASE ALLOWABLE LAND COVERAGE COEFFICIENTS	
Lands Located in Land Capability District*	Base Allowable Land Coverage
1a, 1b, 1c	1%
2	1%
3	5%
4	20%
5	25%
6, 7	30%

\* Lands located in Geomorphic Group I are classified Land Capability District 1 and are permitted one percent coverage.

**B. General Rule and Exceptions**

The coefficients shall be applied to the project area in accordance with subparagraph C, except as provided below.

**1. Parcels in TRPA-Approved Subdivisions in Conformance with the Bailey Coefficients**

In TRPA-approved subdivisions where TRPA applied the coefficients on a subdivision-wide basis and allowable coverage was assigned to individual parcels, the assigned coverage shall be the base allowable land coverage for those parcels. The list of TRPA-approved subdivisions in conformance with Bailey coefficients is provided in Attachment D to the Goals and Policies.

**2. Parcels in Existing Planned Unit Developments (PUDs) Not in Conformance with the Bailey Coefficients**

To determine the base allowable land coverage for parcels within an existing PUD, the coefficients shall be applied to the entire PUD. This total allowable coverage, minus the existing common area facilities coverage, shall be divided among the individual parcels in proportion to their respective sizes, whether developed or not. Public rights-of-way shall not be included in the calculation. Accordingly, the method of calculation is as follows: first, the area of public rights of-way is not to be counted; second, base allowable land coverage for the remaining area in the PUD is calculated; third, the amount of existing coverage in common areas is subtracted; fourth, the remaining coverage is divided among the individual parcels, in proportion to size. In no case shall parcels of individual ownership be assigned an allowable base coverage of less than zero.

### Example of Calculation – PUD

Project is a five-acre PUD (not including public rights-of-way) with ten individual 50' x 50' parcels located in Land Capability District 4. Existing common area improvements such as parking, tennis court, and recreation center equal 30,000 square feet of land coverage

**Step 1:** Zero land in public rights-of-way, so nothing subtracted from 5 acres (217,800 sf).

**Step 2:** PUD size (217,800 sf) x coverage coefficient (20%) = base allowable land coverage (43,560 sf).

**Step 3:** Base allowable land coverage (43,560 sf) - existing improvements (30,000 sf) = remaining base allowable land coverage (13,560 sf).

**Step 4:** Remaining base allowable land coverage (13,560 sf) ÷ number of parcels (10) = base allowable land coverage per parcel (1,356 sf)

### 3. Relationship to IPES

Except as set forth in 1 and 2 above, the Individual Parcel Evaluation System ("IPES") ratings shall be used to determine allowable coverage for single family houses subject to IPES pursuant to Chapter 53: *Individual Parcel Evaluation System*.

### C. Method of Calculating Base Allowable Land Coverage

Base allowable land coverage shall be determined by application of the base land coverage percentages set forth in subparagraph A above to the project area. Determination of the project area and the method of applying the percentage coverage figures to the project area shall be as set forth below.

#### 1. Calculation of Base Allowable Land Coverage Under IPES

Calculation of permissible land coverage for parcels subject to IPES shall be in accordance with Chapter 53.

#### 2. Determination of the Project Area

The project area shall be calculated as follows:

##### a. Boundaries or Area of Land Involved

###### (i) Single Parcel up to 20 Acres

For a project on a single parcel of up to 20 acres, the project area shall be the area of the parcel.

###### (ii) Single Parcel in Excess of 20 Acres, or No Parcel

For a project on a single parcel in excess of 20 acres, or on an area of land not consisting of a parcel, TRPA shall determine the project area based upon the following factors, among others, appropriate for this purpose: the area impacted by or the sphere of influence of the project; the area to be actually used for the project; whether the project is located in one or more hydrologically related areas; and the extent of land coverage and land disturbance for the project.

**(iii) Two or More Contiguous Parcels**

For a project on or comprising two or more contiguous parcels, the project area shall be the total combined square footage of the parcels, provided the parcels are permanently consolidated. If the parcels are not permanently consolidated, the owner shall record against the parcels a deed restriction or other covenant running with the land permanently assuring that the land coverage calculations for the parcels shall always be made as if the parcels had been legally consolidated.

**(iv) Proposed Accessory Use**

Where the proposed activity or project for which land coverage is to be calculated is an accessory use to an existing primary use located on one or more adjacent parcels, the project area for the accessory use shall be the total combined square footage of all of said parcels owned or controlled by the same person, provided the parcels are permanently consolidated through a recorded deed restriction or other covenant running with the land permanently assuring that the coverage calculations for the parcels shall always be made as if the parcels had been legally consolidated. If the parcels are not permanently consolidated, the owner shall do so by means of one of the above methods.

**(v) Noncontiguous Parcels**

For a project on noncontiguous parcels pursuant to Chapter 13: *Redevelopment Plans*, or Chapter 15: *Environmental Improvement Program*, the project area of two or more noncontiguous parcels shall consist of the total combined square footage of the parcels, provided the owner(s) of the parcels record against the parcels a deed restriction or other covenant running with the land permanently assuring that the coverage and density calculations for the parcels shall always be determined as if the parcels had been legally consolidated.

**b. Land Not Included in the Project Area**

The project area shall not include the following:

- (1) Lands lakeward of the high-water lines of bodies of water, such as lakes and ponds;
- (2) Lands underlying covered surfaces associated with existing linear public facilities;
- (3) Highways, streets, and roads referred to in subparagraph 30.4.2.A.3; and
- (4) Easements or rights-of-way allowing potential land coverage for linear public facilities, highways, streets, and roads.

Land coverage associated with existing linear public facilities, highways, streets, and roads shall not be considered in the calculation of land coverage, except as pertinent to the review by TRPA of the facilities, highway, streets, or roads, or as required pursuant to subparagraph 30.4.1.C.3.e.

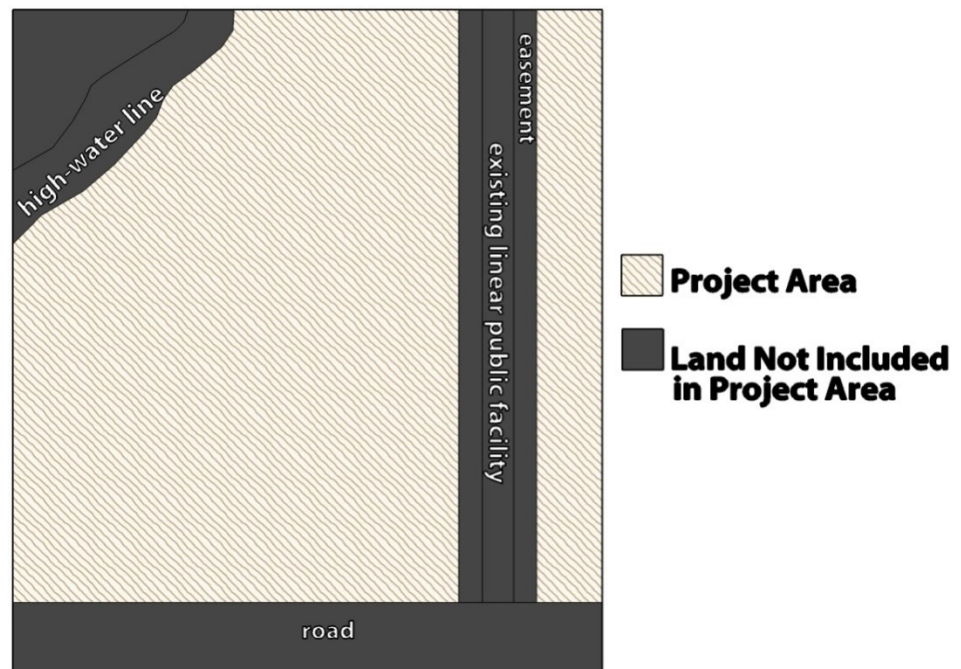


Figure 31.4.1-A: Land Not Included in Project Area

c. **Separate Calculation for the Area Within Each Land Capability District**

With the exception of land coverage for IPES pursuant to Chapter 53, base allowable land coverage shall be calculated by reference to the square footage area of each, separate land capability district located within the project area, applying the applicable land coverage percentage set forth in subparagraph 30.4.1.A to the square footage within each respective land capability district.

3. **Application of Percentage Coverage Figures to the Project Area**

The percentage coverage figures shall be applied to the project area as follows:

a. **Amount of Base Allowable Land Coverage**

The maximum amount of base land coverage on the parcel or project area shall be equal to the cumulative allowed base coverage of all land capability district(s), determined by applying the land coverage percentage for each district set forth in subsection 30.4.1 to the parcel or project area, as determined by subparagraph 2 above. The placement of this base land coverage is subject to the restrictions in subparagraph b below.

**b. Parcel or Project Area of One-Third Acre or Less**

For a parcel or project area of one-third acre or less, the following rules apply:

All base allowable land coverage attributable to land in Land Capability Districts 1 through 3 may be aggregated and placed on any location within Land Capability Districts 4 through 7, inclusive, but not within Land Capability Districts 1 through 3; and

All base allowable land coverage attributable to land in Land Capability Districts 4 through 7 may be aggregated and placed anywhere within Land Capability Districts 4 through 7; however, such base coverage shall not be placed in Land Capability Districts 1 through 3.

Any base allowable land coverage from Land Capability Districts 1 through 3 placed in Land Capability Districts 4 through 7 shall not reduce the maximum base coverage allowed in Land Capability Districts 4 through 7.

Base coverage shall only be used in Land Capability Districts 1 through 3 if the use meets an exception in subsection 30.5.1 or 30.5.2, or any other code section that provides a specific exception.

**c. Parcel or Project Area Greater than One-Third Acre**

For a parcel or project area greater than one-third of an acre, the landowner may choose one of the two below options apply to base coverage.

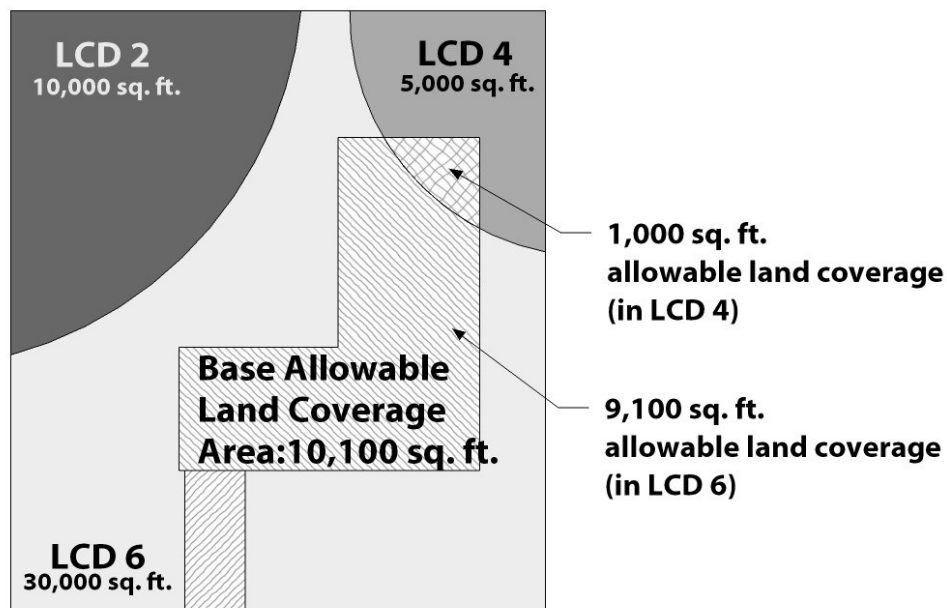
**(i) Option 1**

- (1) All base allowable land coverage attributable to land within Land Capability Districts 4 through 7, inclusive, shall only be placed within each corresponding Land Capability District 4 through 7 area up to the maximum amount of land coverage determined by applying the land coverage percentages of each respective land capability district; and
- (2) All base allowable land coverage attributable to land within Land Capability Districts 1 through 3 may be aggregated and placed within any Land Capability District 4 through 7 location.
- (3) No base allowable land coverage shall be placed on any land in Land Capability District 1 through 3, inclusive, except as provided in subsections 30.4.1, 30.5.1, 30.5.2, or any other Code section that provides a specific exception.

**Example: Option 1 (Base Allowable Land Coverage – Greater Than 1/3 Acre)**

For a project area that is 45,000 square feet in size, with 10,000 square feet in Land Capability District 2, 5,000 square feet in Land Capability District 4, and 30,000 square feet in Land Capability District 6, the maximum base allowable land coverage would be 10,100 square feet, calculated as follows:

Land area of Land Capability District (LCD) ×	Base Coverage =	Maximum Base Allowable Land Coverage
10,000 sq. ft. (LCD 2)	1%	= 100 sq. ft.
5,000 sq. ft. (LCD 4)	20%	= 1,000 sq. ft.
30,000 sq. ft. (LCD 6)	30%	= 9,000 sq. ft.
		<b>TOTAL: 10,100 sq. ft.</b>



**Figure 30.4.1-B: Option 1: Base Allowable Land Coverage in Multiple Land Capability Districts (LCDs)**

**(ii) Option 2**

The percentage coverage figure corresponding to the lowest district number of Land Capability Districts 4 through 7 may be applied to the total area encompassed by Land Capability Districts 4 through 7, to which amount may be added the aggregate of base coverages attributable to land within Land Capability Districts 1 through 3. No base allowable land coverage may be placed within Land Capability Districts 1 through 3, except as provided in subsection 30.4.1.

**Example: Option 2 (Base Allowable Land Coverage – Greater Than 1/3 Acre)**

Using the same example project in Option 1 above, Option 2 would be calculated as follows:

**Given that:**

- The parcel contains Land Capability Districts 2, 4, and 6;
- Land Capability District 4 is the lowest capability district within the 4 through 7 range; and
- The total area encompassed by Land Capability Districts 4 through 7 is 35,000 sq. ft. ( 5,000 + 30,000); and
- 20% is the percentage coverage figure for Land Capability District 4;

**Then:** The base allowable land coverage area for Land Capability District 4 is  $35,000 \times .20 = 7,000$  sq. ft.

**Finally:** Add the aggregate base land coverage of all land in Land Capability Districts 1 through 3 (100 sq. ft.) to the Land Capability District 4 base land coverage (7,000 sq. ft.), which results in a final base allowable land coverage of 7,100 sq. ft., which may be placed in any location within the Land Capability Districts 4 and 6.

**d. Transferred Coverage**

In the event additional land coverage is permitted by transfer pursuant to subsection 30.4.2, the amount of total allowable land coverage shall be calculated by applying the percentage coverage figures set forth in subsection 30.4.2 to the project area determined pursuant to subparagraph 30.4.1.C.2.

**e. Land Coverage in Right-Of-Way**

Existing or proposed land coverage in a public street or highway right-of-way shall be attributable to the owner of the right-of-way. Transfer of such coverage shall be pursuant to the requirements of subsection 30.4.3. The owner of the right-of way may arrange the transfer of land coverage with the person, if any, benefiting from the proposed land coverage in the right-of-way.

**30.4.2. Transferred Land Coverage Requirements**

In addition to the base land coverage prescribed by subsection 30.4.1, land coverage may be transferred to a parcel pursuant to subsection 30.4.3. Parcels and uses eligible for transfer of land coverage are identified in this subsection. For purposes of this subsection, the “maximum land coverage” equals the base land coverage plus the transferred land coverage. Land coverage shall not exceed base land coverage for parcels and uses that are not identified in this subsection. The aggregate of base land coverage and transferred land coverage shall not exceed the limits set forth in this subsection.

**A. General Standards Applicable in All Locations**

**1. Residential Facilities (One to Four Units)**

The maximum land coverage allowed on a parcel for residential facilities of four units or less shall be the land coverage allowed pursuant to the coefficients in Table 30.4.1-1, or as follows, whichever is greater:

a. **Maximum Parcel Coverages**

TABLE 30.4.2-1: MAXIMUM PARCEL COVERAGE	
Project Area (Sq. Ft.)	Maximum Land Coverage
0 - 4,000	Base Land Coverage Only
4,001 - 9,000	1,800 sq. ft.
9,001 - 14,000	20% of Project Area
14,001 - 16,000	2,900 sq. ft.
16,001 - 20,000	3,000 sq. ft.
20,001 - 25,000	3,100 sq. ft.
25,001 - 30,000	3,200 sq. ft.
30,001 - 40,000	3,300 sq. ft.
40,001 - 50,000	3,400 sq. ft.
50,001 - 70,000	3,500 sq. ft.
70,001 - 90,000	3,600 sq. ft.
90,001 - 120,000	3,700 sq. ft.
120,001 - 150,000	3,800 sq. ft.
150,001 - 200,000	3,900 sq. ft.
200,001 - 400,000	4,000 sq. ft.

b. **Planned Unit Developments**

For parcels in planned unit developments, the maximum coverage allowed shall be 100 percent of the proposed building envelope or 2,500 square feet, whichever is less. Parcels in PUDs with five or more units per parcel are considered multi-residential and regulated pursuant to subparagraph 30.4.2.B.3.

c. **Special Transfer Programs**

Parcels in subdivisions with TRPA-approved transfer programs may be permitted the coverage specified by that approval. The only subdivision with such a program, as of the effective date of the Regional Plan, is Cave Rock Estates, Unit No. 3. The Cave Rock Estates, Unit No. 3 transfer program is set forth in the TRPA March 23, 1978, approval of that subdivision.

d. **Driveways**

The maximum limits in Table 30.4.2-1 may be increased by a transfer of land coverage for a driveway built in accordance with the standards in Chapter 34: *Driveway and Parking Standards*, which is to be created in connection with the construction of a single-family house on an existing parcel, provided TRPA finds that:

The construction will not result in a residential structure with land coverage greater than that permitted in Table 30.4.2-1 minus 400 square feet; and



The single-family house, as a direct result of the increased land coverage, will be located on the parcel in such a manner that it shall cause the least harm to the natural environment through minimization of land alterations, grading, removal of vegetation, hydrological impacts, and preservation of trees and other flora.

**2. Linear Public Facilities and Public Health and Safety Facilities**

The maximum land coverage for linear public facilities and public health and safety facilities is limited to the minimum amount needed to achieve their public purpose, except as provided for non-motorized public trails in subsection 30.4.6.D.3. Such transfer may be permitted, provided TRPA makes the following findings:

- a. The project complies with required findings for additional public service facilities if required pursuant to Section 50.8;
- b. There is no feasible alternative that would reduce land coverage;
- c. The project, because of its unusual configuration or service requirement, requires special consideration; and
- d. The facility primarily serves the needs of persons other than those who are or will be residents of the lands in question, or the owners of the land in question.

**3. Highways, Streets, and Roads**

Transfer of land coverage for highways, streets, and roads may be permitted, provided TRPA, in addition to the findings in subparagraph 2 above, makes the following additional findings:

- a. The highway, street, or road is required to provide access to property other than that owned by the applicant; and
- b. The highway, street, or road will be constructed or maintained by a public agency, or is required to be so constructed or maintained by the terms and in accordance with the boundaries of a lawfully created easement recorded prior to February 10, 1972, or is required or approved by TRPA for a project approved after the effective date of the Regional Plan.

**4. Facilities for Public Safety and Access of the Disabled**

For receiving parcels with legally existing development and insufficient available or banked coverage, transfers of land coverage may be permitted for the addition of facilities for access of disabled persons for compliance with the American Disabilities Act (ADA) and other public safety requirements that do not qualify for a coverage exemption under subparagraph 30.4.6.

**a. Transfer Standards**

The maximum land coverage transferred shall be consistent with the following standards:

- (1) Transferred coverage shall be the minimum amount necessary to meet the public safety and access requirements;

- (2) Coverage shall not be transferred to sensitive land unless there is no feasible alternative on the receiving parcel.
- (3) Pervious decking shall be used where feasible.
- (4) 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.
- (5) This provision shall not be used in conjunction with any project that adds coverage for purposes not related to public safety or access of the disabled.
- (6) 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. This subparagraph shall not be interpreted to require the removal of existing living area, garage space, vehicle access routes, pedestrian access routes, the first 1,000 square feet of driveway or the first 1,000 square feet of decking/patio space on each parcel.

**b. Eligible Improvements**

Eligible improvements include:

- (1) Facilities for access of disabled persons for compliance with the American Disabilities Act (ADA).
- (2) Utility improvements including boxes, vaults, poles and electric vehicle chargers.
- (3) The minimum driveway necessary to provide two off-site parking spaces for each residential parcel.
- (4) Other property improvements that the executive director determines are necessary for public safety or access of the disabled.

c. Land coverage transferred for public safety and access shall be classified exempt in accordance with subparagraph 30.4.6.H.

**5. Water Quality Control Facilities**

Transfers of land coverage for water quality control facilities, such as erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs, and facilities, may be permitted the minimum amount of land coverage needed to achieve their purpose provided there is not a reasonable alternative, including relocation, that avoids or reduces the land coverage.

**B. Location-Specific Standards**

**1. Facilities Within Centers**

Unless otherwise provided in subparagraph A, the maximum land coverage (base plus transferred coverage) allowed on a parcel within a Center of a Conforming Area Plan shall be:

- a. Within 300 feet of the High Water Line of Lake Tahoe (excluding those areas landward of State Highways in the Tahoe City and Kings Beach Town Centers), maximum land coverage shall be 50 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive.
- b. Further than 300 feet from the High Water Line of Lake Tahoe and those areas landward of State Highways in the Tahoe City and Kings Beach Town Centers, maximum land coverage shall be 70 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive.

**2. Commercial Facilities Within Community Plans**

Unless otherwise provided in subparagraph A, the maximum land coverage (base land coverage plus transferred coverage) allowed on a parcel for commercial and mixed-use facilities located within community plans approved pursuant to Chapter 12, but not within a Center of a Conforming Area Plan is as follows:

- a. For parcels upon which there is no development legally existing as of July 1, 1987, and for areas at least 300 feet from the high Water Line of Lake Tahoe (excluding those areas landward of State highways in the Tahoe City and Kings Beach Town Centers), maximum land coverage shall be 70 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive; and
- b. For parcels upon which there legally exists development as of July 1, 1987, maximum land coverage shall be 50 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive.

**3. Tourist Accommodation Facilities, Multi-Residential Facilities (Five or More Units), Public Service Facilities, and Recreation Facilities Within Community Plans**

The maximum land coverage (base coverage plus transferred coverage) allowed on a parcel for tourist accommodation facilities, multi-residential facilities of five units or more, public service facilities, and recreation facilities shall be limited to 50 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive, provided the parcel is located within a community plan approved pursuant to Chapter 12. Subdivisions into parcels of four or fewer residential units are not eligible for the maximum land coverage permitted under this subparagraph unless a deed restriction requiring maintenance of the units as affordable or moderate income housing, as defined by TRPA, is approved by TRPA and recorded against the property.

**4. Public Service Facilities Outside Community Plans and Centers**

The maximum land coverage for other public service facilities located outside of an approved community plan, or Centers within a Conforming Area Plan pursuant to Chapter 13, is 50 percent of the project area. Transfer of land coverage for public service facilities located outside a community plan is limited to projects for which TRPA has made the following findings:

- a. The project complies with required findings for additional public service facilities if required pursuant to Section 50.8;
- b. There is no feasible alternative that would reduce land coverage; and
- c. There is a demonstrated need and requirement to locate the facility outside a community plan.

**5. Affordable, Moderate, and Achievable Housing outside Centers**

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

- a. All runoff from the project area must be treated by a stormwater collection and treatment system if a system is available for the project area. The stormwater collection and treatment system must meet applicable TRPA requirements, a county or city, a utility, a community service or improvement district, or similar public entity with a sustainable funding source must assume perpetual responsibility for operation and maintenance; and the system must be permitted by the applicable state water quality agency or agencies (i.e., LRWQCB or NDEP depending on where it is located), as required to be included as a component of the TMDL pollutant load reduction measures credited to the entity or entities where the system is located; or
- b. If a stormwater collection and treatment system is not available for the project area, water quality treatment consistent with Chapter 60 of the TRPA Code of Ordinances may be approved by TRPA, provided that local jurisdictions with a sustainable funding source verify and are responsible for ongoing BMP maintenance of the project area through a deed restriction running with the land.
- c. To transfer in coverage above the base allowable coverage, the project shall not construct any parking spaces above the parking minimums set by local or state standards, except when required to meet Americans with Disabilities Act requirements or to provide parking for bicycles.

d. The project is exempt from the density maximums per section 31.4.1.A and subject to the parking standards specified in Section 34.4.1, unless an area plan specifies alternative standards per Section 13.5.3.I.C.1.

e. The additional coverage for accessory dwelling units is limited to 1,200 square feet or 70 percent of the project area, whichever is less, that is located within Land Capability Districts 4 through 7 or on parcels that are buildable based on their IPES score. Additional land coverage shall be used only for the accessory dwelling unit, and includes decks and walkways associated with the accessory dwelling unit. This coverage shall not be used for parking.

**6. Stormwater Collection and Treatment Systems for Affordable, Moderate, and Achievable Housing**

Multi-residential developments, mixed-use developments with a residential component, as described in subsection 36.13, or accessory dwelling units, provided the units are 100 percent deed-restricted affordable, moderate, and achievable, utilize bonus units and are located in Land Capability Districts 4 through 7 and within an approved area plan, may increase maximum land coverage above 70 percent in centers, subject to the following standards:

a. All runoff from the project area must be treated by a stormwater collection and treatment system if a system is available for the project area. The stormwater collection and treatment system must meet applicable TRPA requirements, a county or city, a utility, a community service or improvement district, or similar public entity with a sustainable funding source must assume perpetual responsibility for operation and maintenance; and the system must be permitted by the applicable state water quality agency or agencies (i.e., LRWQCB or NDEP depending on where it is located), as required to be included as a component of the TMDL pollutant load reduction measures credited to the entity or entities where the system is located.

b. To transfer in coverage above 70 percent, the project shall not construct any parking spaces above the parking minimums set by local or state standards, except when required to meet Americans with Disabilities Act requirements or to provide parking for bicycles.

c. The project is exempt from the density maximums per section 31.4.1.A and subject to the parking standards specified in Section 34.4.1, unless an area plan specifies alternative standards per Section 13.5.3.I.C.1.

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**C. Transfer of Nonconforming Land Coverage**

Notwithstanding subparagraphs A and B above, when existing development is relocated to a Center and the sending site is restored and retired, the nonconforming land coverage (as measured in square feet) may be maintained with the relocation provided both of the following conditions are satisfied:

1. The receiving site shall be developed in accordance with all applicable TRPA ordinances. If necessary to comply with applicable ordinances, land coverage shall be reduced; and
2. The receiving site shall be either the same size or larger than the prior site, or, if the new project area is smaller than the prior site, the amount of nonconforming coverage to be transferred shall be reduced on a proportionate basis and the balance of nonconforming coverage may be banked or transferred elsewhere.

**30.4.3. Method of Transferring Land Coverage**

Land coverage may be transferred to eligible parcels for eligible uses, in accordance with the percentage limitations set forth in subsection 30.4.2 and the requirements of this subsection. A transfer of land coverage shall be from one parcel or project area to another and shall only be transferred in conjunction with a project approved by TRPA. Land coverage banks may be designated by TRPA pursuant to Section [Error! Reference source not found.6-9](#), to provide land coverage for transfer purposes.

**A. Land Coverage Transfer Ratios**

Land coverage transferred from one parcel ("sending parcel") to another parcel ("receiving parcel") shall be in accordance with the following ratios:

**1. General**

Except for transfers relating to uses within approved community plans or Centers, the transfer of one square foot of land coverage to a receiving parcel shall require the retirement of one square foot of land coverage on the sending parcel (1:1 transfer ratio). Higher transfer ratios may be required pursuant to subparagraph A.2 below.

**2. Uses Within Approved Community Plans or Centers**

Receiving parcels within an approved community plan or Center eligible for the maximum 70 percent land coverage prescribed by subparagraph 30.4.2.A.2, shall be eligible to receive transferred land coverage at the following ratios:

**a. Transfers from Sensitive Lands**

From sensitive lands, land coverage shall be transferred at a ratio of 1:1, until the total land coverage reaches the maximum allowed.

**b. Transfers from Non-Sensitive Lands**

From non-sensitive lands, land coverage shall be transferred at a ratio of 1:1 up to 50 percent, and shall be transferred at the ratio set forth in Table 30.4.3-1 for projects with coverage in excess of 50 percent until the

total land coverage reaches the maximum allowed except as provided in subparagraph c. below:

TABLE 30.4.3-1: TRANSFER RATIOS	
Maximum Percent of Final Coverage	Transfer Ratio
>50 – 51	1.05:1
> 51 – 52	1.1:1
> 52 – 53	1.15:1
> 53 – 54	1.2:1
> 54 – 55	1.25:1
> 55 – 56	1.3:1
> 56 – 57	1.35:1
> 57 – 58	1.4:1
> 58 – 59	1.45:1
> 59 – 60	1.5:1
> 60 – 61	1.55:1
> 61 – 62	1.6:1
> 62 – 63	1.65:1
> 63 – 64	1.7:1
> 64 – 65	1.75:1
> 65 – 66	1.8:1
> 66 – 67	1.9:1
> 67 – 68	1.95:1
> 68 – 70	2:1

### Example of Land Coverage Transfer from Non-Sensitive Sending Parcel

#### Receiving Parcel:

Five-acre parcel = 217,800 sq. ft.

Allowable base coverage (30%) =  $0.3 \times 217,800 = 65,340$  sq. ft.

Proposed project coverage (60%) =  $0.6 \times 217,800 = 130,680$  sq. ft.

#### Total Land Coverage Needed for Transfer from Non-Sensitive Sending Parcel:

**Step 1:** For first 0% - 30% of coverage:

(No transfer necessary)      Then: 0 to 30% =      **0 sq. ft.**

**Step 2:** For >30% to 50% (i.e., 20%) of coverage:

[Required ratio is 1:1]      Then:  $20\% \times 217,800$  sq. ft.      =      43,560 sq. ft.

So: 43,560 sq. ft.  $\times 1$       =      **43,560 sq. ft.**

**Step 3:** For >50% to 60% (i.e., 10%) of coverage:

[Required ratio is 1.5:1]      Then:  $10\% \times 217,800$  sq. ft.      =      21,780 sq. ft.

#### c. Transfer for Multi-Residential Facilities of Five Units or More, Public Service Facilities, and Recreation Facilities

Land coverage shall be transferred at a ratio of 1:1, until the total land coverage reaches the maximum allowed.

#### B. Types of Land Coverage Eligible for Transfer

The following types or classes of legally established land coverage are eligible for transfer to receiving parcels in accordance with the provisions of this chapter:

##### 1. Hard Land Coverage

Hard land coverage may be transferred in all cases.

##### 2. Soft Land Coverage

Soft land coverage may be transferred in all cases; however, transfers to commercial, mixed-use, or tourist accommodation uses or facilities shall not be permitted, except for the following:

- a. Soft coverage may be transferred to commercial parcels within both the South Y Industrial Tract Community Plan and the Upper Truckee River Hydrologic Transfer Area for service, light industrial, and wholesale/storage uses in accordance with subsection 30.4.3 and provided that the findings in subparagraph 30.4.3.F below are made. See, however, subsection 30.4.3.B.6 below for legally existing soft coverage transfer allowances between hydrologically related areas.
- b. Soft coverage may be transferred from Land Capability Class 1b (Stream Environment Zones) to Centers for all use types.



**3. Base Land Coverage**

Unused allowable base land coverage (i.e., potential coverage) referred to in subsection 30.4.1 may be transferred in all cases, except for transfers relating to commercial, mixed-use, or tourist accommodation uses or facilities. Land coverage transferred as mitigation for excess coverage associated with commercial, mixed-use, and tourist accommodation projects shall be existing hard coverage except as provided in subparagraph 2 above.

**a. General Rule for Transfer Amounts**

The amount of coverage that may be transferred from a parcel having an IPES score shall be the amount of potential base coverage allowed under IPES. Potential base coverage under the Bailey system may be transferred only when an IPES score has not been established for the sending parcel.

**b. Exceptions to the General Rule:**

Bailey coverage, not IPES coverage, shall be used to determine the amount of potential coverage to be transferred in the following situations:

- (1) When an IPES score has been assigned to a sending parcel that is subsequently developed under the Bailey system; or
- (2) When the sending parcel has a current TRPA approval under the Bailey system.

**4. Land Coverage for Single-Family House**

Land coverage transferred for a single-family house, including, but not limited to, a house to be constructed pursuant to IPES, shall be from a sending parcel as environmentally sensitive as or more environmentally sensitive than the receiving parcel. If both sending and receiving parcels have not received IPES rating scores, relative environmental sensitivity shall be determined by comparing the land capability classification of each parcel. If both parcels have IPES rating scores, sensitivity shall be determined by comparing the scores of each. If one parcel has an IPES rating score and the other does not, sensitivity shall be determined based on Table 30.4.3-2.

TABLE 30.4.3-2 POTENTIAL COVERAGE TRANSFERS BETWEEN BAILEY AND IPES LOTS								
			Receiving Parcel					
			Bailey Land Classifications				IPES Score	
			1a, 1b, 1c, 2, 3*	4	5	6	7	Above 725      At or Below 725
Sending Parcel	IPES Score	At or Below 725	N*	E	E	E	E	See Subparagraph 30.4.3.B.4

		Above725	N*	E	E	E	E		
	Bailey Classification	7	See Subparagraph 30.4.3.B.4					E	N
		6						E	N
		5						E	N
		4						E	N
		3						E	E
		2						E	E
		1c						E	E
		1b						E	E
		1a						E	E
		E – Eligible for Transfer							
		N – Not Eligible for Transfer							
		* - New coverage is generally not allowed on residential lots with Bailey classifications 1-3. Exceptions shall be consistent with the TRPA Code of Ordinances.							

**5. Land Coverage for Water Quality Control Facilities**

Land coverage transferred for water quality control facilities pursuant to subparagraph 30.4.2.A.5 shall be in accordance with 1 through 3 above, or shall be mitigated through restoration in accordance with subsection 30.5.3, in the amount of 1.5 times the area of land covered or disturbed for the project beyond that permitted by the coefficients in Table 30.4.1-1.

**6. Land Coverage Transfers Across Hydrologically Related Areas**

Hard and soft land coverage may be transferred across hydrologically related areas pursuant to the following requirements:

- a. The sending site is sensitive land defined as lands with IPES scores at or below 725; or for lands without IPES scores, those lands identified as Land Capability Districts 1 through 3. The hard and soft land coverage must be transferred from sensitive land.
- b. The receiving site is non-sensitive land defined as lands with IPES scores above 725; or for lands without IPES scores, those lands identified as Land Capability Districts 4 through 7. The area receiving transferred coverage must be non-sensitive land.
- c. The receiving site is further than 300 feet from the High Water Line of Lake Tahoe, or on the landward side of Highway 28 or 89 in the Tahoe City or Kings Beach Town Centers.

**C. Sending Parcels Classified as Sensitive Lands**

If land coverage is transferred from a sending parcel, or a portion thereof, that is defined as a sensitive land, the coverage transferred shall be permanently retired as

set forth in subparagraph 30.4.3.G below and may not be returned to the sending parcel.

**D. Sending Parcels Classified as Non-Sensitive Lands**

If land coverage is transferred from a sending parcel, or a portion thereof, that is defined as a non-sensitive land, the land coverage transferred shall be retired as set forth in subparagraph 30.4.3.G below, but the land coverage may be returned to the sending parcel subject to the limitations of subsections 30.4.1 and 30.4.2.

**E. Hydrologically Related Area Transfer Limitation**

For all land coverage transfers, the receiving parcel and the sending parcel shall be in the same hydrologically related area except as allowed in subsection 30.4.3.B.6 above. The hydrologically related area boundaries are depicted in the TRPA Plan Area Layers and are incorporated herein. Transfer across said boundaries is prohibited except as allowed in subsection 30.4.3.B.6 above. See, however, subparagraph 30.5.3.B for requirements regarding off-site restoration credits that may be used in different hydrologically related areas.

**F. Inadequate Supply of Land Coverage**

If TRPA, after conducting a review of the cost of land coverage available at the land bank, finds there is an inadequate supply of hard land coverage for commercial or tourist accommodation uses at a reasonable cost within a given hydrologically related area, TRPA may authorize an increase in the supply of land coverage for transfer in the order of priority set forth below. In determining "reasonable cost," TRPA shall consider: whether there is no market for the coverage due to its cost, limited supply or simple absence of transactions; and other pertinent factors. Prior to authorizing an increase in supply of land coverage, TRPA also shall consider the effect of the increase on the inventory in the land bank and the value of investments made by the bank in hard or soft land coverage. If TRPA authorizes an increase in the supply of land coverage, it shall do so in the following order of priority:

1. Existing soft coverage as described in the definition of "land coverage."
2. Unused base coverage, referred to in the Goals and Policies as "potential coverage."
3. Through redefinition of the boundaries of the hydrologically related area to increase the supply of coverage.

**G. Restoration and Retirement of Land Coverage**

Land coverage shall be restored and retired pursuant to Section [Error! Reference source not found.](#)~~51.6~~ and the following:

**1. Transfers**

TRPA shall ensure that land coverage transferred pursuant to subsection 30.4.3 shall be retired permanently pursuant to the following requirements:

- a. In the event land coverage is removed from the sending parcel, the applicant or a public agency shall restore the sending parcel to a natural or near natural state;

- b. Provisions for future maintenance and protection of the parcel from further soil disturbance shall be made, whether or not the parcel is undisturbed or subject to restoration; and
- c. For parcels in private ownership, deed restrictions, or other covenants running with the land, permanently assuring the accomplishment of the requirements of subparagraphs a and b above shall be recorded by the owner. For parcels in public ownership, TRPA shall obtain binding assurance from the public agency that the requirements of subparagraphs a and b above are permanently met.

**2. Removal of Land Coverage for Credit**

In the event land coverage is removed on one parcel, but is not proposed for immediate transfer to another parcel, the applicant shall comply with subparagraphs 30.4.3.G.1.a and b, to assure credit for the removed coverage in accordance with Chapter 6.

**H. Land Bank**

Land coverage transfers and land coverage retirement programs may use a land bank pursuant to Chapter 6: *Tracking, Accounting, and Banking*.

**30.4.4. Relocation of TRPA-Verified Existing Land Coverage**

TRPA-verified existing land coverage may be relocated on the same parcel or project area if TRPA finds that:

- A. The relocation is to an equal or superior portion of the parcel or project area, as determined by reference to the following factors:
  - 1. Whether the area of relocation already has been disturbed;
  - 2. The slope of and natural vegetation on the area of relocation;
  - 3. The fragility of the soil on the area of relocation;
  - 4. Whether the area of relocation appropriately fits the scheme of use of the property;
  - 5. The relocation does not further encroach into a stream environment zone, backshore, or the setbacks established in the Code for the protection of stream environment zones or backshore;
  - 6. The project otherwise complies with the land coverage mitigation program set forth in Section 30.6.
- B. The area from which the land coverage was removed for relocation is restored in accordance with subsection 30.5.3.
- C. The relocation shall not be to Land Capability Districts 1a, 1b, 1c, 2, or 3, from any higher numbered land capability district.
- D. If the relocation is from one portion of a stream environment zone to another portion, there is a net environmental benefit to the stream environment zone.

“Net environmental benefit to a stream environment zone” is defined as an improvement in the functioning of the stream environment zone and includes, but is not limited to:

1. Relocation of coverage from a less disturbed area to a more disturbed area or to an area further away from the stream channel or water body, as applicable;
2. Retirement of land coverage in the affected stream environment zone in the amount of 1.5:1 of the amount of land coverage being relocated within a stream environment zone; or
3. For projects involving the relocation of more than 1,000 square feet of land coverage within a stream environment zone, a finding, based on a report prepared by a qualified professional, that the relocation will improve the functioning of the stream environment zone and will not negatively affect the quality of existing habitats, considering factors such as, but not limited to, soil function, hydrologic function, vegetation, and wildlife habitat.

**30.4.5. Conversion of Turf Grass Coverage to Synthetic Turf Coverage for Public Athletic Fields**

Turf grass public athletic fields may be converted to synthetic turf fields as provided below.

**A. Eligibility**

TRPA shall find that the turf grass field meets all of the following criteria:

1. The turf grass field shall be composed of non-native turf grasses and receive regular fertilization and periodic irrigation.
2. At least 50 percent of the condition of the turf grass field shall be substantially compacted by repeated pedestrian traffic so as to reduce saturated hydraulic conductivity by 50 percent or more when compared to natural conditions for the same soil type.

**B. Construction Standards**

The synthetic turf field shall be constructed and maintained to meet all of the following standards:

1. The synthetic turf design shall include a subsurface drainage system that discharges to a water quality treatment area. The subsurface drainage system shall comply with groundwater interception regulations pursuant to subsection 33.3.6 and shall not adversely affect water levels within a stream environment zone;
2. The synthetic turf shall be limited to team playing fields and player staging areas only;
3. Synthetic turf components and fields shall not contain or utilize materials for construction or maintenance that could leach into the ground water, present a health hazard to people, or adversely affect flora or fauna; and

4. The synthetic turf shall not receive runoff or overflow from adjacent lands, except under extraordinary circumstances, such as 20 year or greater storm events.

**C. In-Lieu of Excess Coverage Mitigation and Water Quality Mitigation**

In order to approve synthetic turf for public athletic turf fields, the coverage shall be mitigated either by:

1. Restoration of an equal area of highly compacted turf grass to native vegetation so as to achieve a saturated hydraulic conductivity of greater than 50 percent of natural conditions for the same soil type; or
2. Payment of a fee equal to five percent of the structural cost of the synthetic turf construction as specified in subparagraph 30.6.1.C.3. Except for the synthetic turf carpet, all other construction costs, including materials and labor, shall be included in the structural cost.

**D. Synthetic Turf Coverage Transfer or Conversion Limitations**

Synthetic turf coverage is intended only for public athletic fields and shall not be transferred to a different parcel and cannot be converted to hard coverage.

**30.4.6. Exemptions and Partial Exemptions from Calculation of Land Coverage**

**A. Exemption for Non-Permanent Structures and Small Utility Installations**

Up to 120 square feet of land coverage underlying non-permanent structures and small utility installations are exempt from the calculation of land coverage, subject to the following limitations:

1. For purposes of this provision only, non-permanent structures are those with no permanent foundation, do not exceed 120 square feet in aggregate size, and do not require a permit from TRPA. Non-permanent structures may include emergency power generators, hot tubs, sheds, greenhouses, and similar improvements when installed without a permanent foundation. Non-permanent structures with sanitary sewer service do not qualify
2. For purposes of this provision only, small utility installations may include up to 30 square feet of coverage for any combination of the improvements listed below.
  - a. Emergency power generators;
  - b. HVAC installations;
  - c. Electric vehicle chargers;
  - d. Active solar energy systems with panel reflectivity ratings of 11 percent or less; and
  - e. Utility improvements including boxes, vaults, and poles that are included in the definition of land coverage.

3. Any existing installations that were legally established as coverage count as coverage and shall only qualify for this exemption if consistent with all approval criteria.
4. In addition, the following limitations apply:
  - a. Exempted installations shall be on non-sensitive land;
  - b. Exempted installations shall not exceed two percent of the total amount of non-sensitive land on a parcel.
  - c. This exemption shall apply only to parcels with installed and maintained BMPs meeting TRPA requirements and the exempted non-permanent coverage shall also have BMPs installed and maintained to meet TRPA requirements; and
  - d. This exemption shall not apply to structures or facilities used for access, parking, or storage of motorized vehicles.
  - e. Total coverage exempted for non-permanent structures and small utility installations shall not exceed 120 square feet total.

**B. Overhang Allowance**

For every three feet an overhang structure, such as a deck or roof eave, is elevated above the ground surface, one foot of the perimeter horizontal dimension of the structure shall be excluded from land coverage calculations. The remainder of the overhang shall be counted.

**C. Americans with Disability Act (ADA) Compliance**

Land coverage underlying building access ramps and other facilities that are required to be installed by the ADA are exempt from the calculation of land coverage, subject to the following limitations:

1. This exemption shall apply only to ADA facilities that are constructed on or after January 1, 2013 to serve buildings that were constructed before January 1, 2013; and
2. The ADA facilities shall be constructed with the minimum amount of new coverage necessary to provide required access to buildings;
3. Where new coverage is required, pervious decking or other pervious surfaces shall be used wherever possible;
4. Facilities shall be constructed on non-sensitive land wherever possible;
5. This exemption shall not apply to land coverage associated with vehicle use, such as parking spaces;
6. This exemption shall not apply to single-family dwellings or multiple-family dwellings with three or fewer units; and
7. Parcels shall have a BMP Certificate to qualify for this exemption.

**D. Partial Exemptions from Calculation of Land Coverage**

**1. Pervious Coverage**

For pervious coverage on non-sensitive lands, 25 percent of the size of the improvement shall not count towards the calculation of land coverage, subject to the following design and maintenance requirements:

- a. The coverage shall comply with all applicable BMPs, including those relating to installation and maintenance.
- b. Pervious asphalt is not eligible for credit under this provision.
- c. This exemption shall apply only to parcels with installed and maintained BMPs meeting TRPA requirements.
- d. This exemption shall apply only to locations with low sediment loads (e.g., locations that do not receive road abrasives, locations that are not tributary to runoff that may contain road abrasives, locations that are not tributary to runoff associated with erodible surfaces) unless a redundant infiltration BMP is in place.
- e. Applications to use pervious land coverage shall be consistent with one of the following design options to be approved:
  - (i) Ungrouted stone or paver walkways meeting all of the following criteria shall be considered pervious:
    - (1) Individual stones or pavers do not exceed 1 foot in width and three feet in length;
    - (2) 10 percent minimum open surface;
    - (3) 4 inch minimum layer of well-draining base material; and
    - (4) Plan sheet notes for maintenance (inspect and clean or replace as needed) every 10 years.
  - (ii) Ungrouted metal grates and similar hard surface walkways meeting all of the following criteria shall be considered pervious:
    - (1) Perforations spaced no more than 8 inches apart;
    - (2) 10 percent minimum open surface;
    - (3) 4 inch minimum layer of well-draining base material; and
    - (4) Plan sheet notes for maintenance (inspect and clean or replace as needed) every 10 years.
  - (iii) Plans for alternative pervious coverage installations shall include details of the proposed pervious coverage (pavers or concrete), including the manufacturer's instructions for installation and maintenance to ensure the installation allows at least 75 percent of precipitation to directly reach and infiltrate the ground throughout the life of the surface.



- f. Any existing pervious coverage that was legally established as coverage without exemptions count as coverage without exemptions and shall only qualify for this exemption if consistent with all approval criteria.

**2. Pervious Decks**

- a. Partial exemption from the calculation of land coverage is available for new residential pervious decks on non-sensitive lands provided the decks meet all applicable requirements of this Code, including installation of BMPs.

- b. The following exemptions are available:

Applicable to the first 500 square feet of decking: 100 percent exemption

Applicable to decking above the first 500 square feet:

- (1) 1 – 125 square feet decking: 80 percent exemption
- (2) 126 – 250 square feet decking: 60 percent exemption
- (3) 251 – 375 square feet decking: 40 percent exemption
- (4) 376 – 500 square feet decking: 20 percent exemption

**Example of Calculation for Pervious Deck Land Coverage Exemption (Sec. 30.4.6.D.2.b)**

**Step 1:** First 500 sq. ft. of pervious decking is exempt = **500 sq. ft. exempt maximum**

**Step 2:** Next 125 sq. ft. of pervious decking is 80% exempt = **100 sq. ft. exempt maximum**

**Step 3:** Next 125 sq. ft. of pervious decking is 60% exempt = **75 sq. ft. exempt maximum**

**Step 4:** Next 125 sq. ft. of pervious decking is 40% exempt = **50 sq. ft. exempt maximum**

**Step 5:** Next 125 sq. ft. of pervious decking is 20% exempt = **25 sq. ft. exempt maximum**

**Step 6:** All pervious decking over 1,000 is not exempt

**Example 1: 800 sq. ft. pervious deck = 695 sq. ft exemption** (500 + 100 + 75 + 20 (50 x .4))

- c. Existing decks that were legally established as of January 1, 2013, count as coverage and shall only qualify for this partial exemption if consistent with all approval criteria.
- d. This exemption shall apply only to residential parcels with installed and maintained BMPs meeting TRPA requirements.
- e. A deck shall be considered pervious if it has gaps that allow water to pass freely and in a distributed fashion consistent with the criteria below to deck armoring underneath the deck meeting BMP requirements in the BMP Handbook.
  - (1) Decks surfaced with dimensional boards shall use boards not exceeding 8 inches in width installed with ¼ inch minimum gaps between each board.

- (2) Decks surfaced with metal grates or similar hard surfaces shall have perforations spaced no more than 8 inches apart and a 10 percent minimum open surface.
- (3) Decks surfaced with dimensional blocks shall use blocks not exceeding 8 inches in width installed with ¼ inch minimum gaps between each block.
- (4) Decks surfaced with other materials shall have perforations spaced no more than 8 inches apart and a 10 percent minimum open surface.
- (5) Any deck covering (roofing, trellis, etc) shall meet the same standards for gaps that allow water to pass freely, except for those areas that are excluded from coverage in accordance with the overhang allowance in subparagraph 30.4.6.B.
- f. This exemption shall not exempt more than five percent of the total amount of non-sensitive land on a parcel or project area, or 750 square feet per parcel, whichever is less, provided that the pervious deck meets BMP requirements and is located on non-sensitive land.
- g. If decking qualifies for a partial exemption, applicants may determine which portion of the deck is exempt and which portion is not.
- h. Any existing decks that were legally established as coverage without exemptions count as coverage without exemptions and shall only qualify for this exemption if consistent with all approval criteria.

### **3. Non-Motorized Public Trails**

Non-motorized public trails are exempt from the calculation of land coverage, subject to the following siting and design requirements and limitations.

#### **a. Accessibility**

The trail shall be open to the public in perpetuity at no cost, through dedication of a public easement or other means acceptable to TRPA.

#### **b. Trail Route Design**

Trail routes shall be designed to minimize disturbance of sensitive lands and removal of large trees and riparian vegetation. Particular areas to minimize disturbance of in the routing of trails are (in order of preference):

- (1) Federal jurisdictional wetlands as mapped by the Army Corps of Engineers;
- (2) Other areas in Land Capability District 1b (Stream Environment Zones);
- (3) Other areas in Land Capability Districts 1 and 2;
- (4) Areas in Land Capability District 3; and
- (5) Areas requiring the removal of trees that are larger than 14 inches DBH.

In designing trail routes, the protection of sensitive areas, trees, and vegetation shall be balanced with consideration of the following:

- (6) Trail routes shall generally be consistent with trail networks identified in Map 5 of the Regional Plan, "Bicycle and Pedestrian Facilities," or adopted federal, state, tribal, or local government plans;
- (7) Detours in trail design to protect sensitive resources should avoid significant additions to trail length; and
- (8) Routes shall be designed to promote safety for trail users (e.g., by minimizing road/driveway crossings and providing buffers between trail users and roadways).

**c. Trail Design**

In addition to the requirements of the Army Corps of Engineers and other public agencies, trail designs shall comply with the following:

- (1) Trail design shall comply with the AASHTO Guide for the Development of Bicycle Facilities or other industry standard design criteria for the appropriate trail type, as determined by TRPA.
- (2) Except for unpaved single-track trails, bridges, boardwalks, and/or other elevated over-stream crossings shall be provided.
- (3) Except for unpaved single-track trails, all trails through SEZ areas shall allow periodic surface flows to pass under the trail and to maintain the natural function of the SEZ lands.
- (4) The trail shall be designed in accordance with the BMP handbook.
- (5) The trail shall be designed to minimize disruptions to or crossings of sensitive wildlife habitat.

**d. Limit on Exemption**

The maximum amount of allowable exempted coverage under this exemption shall be limited to the trail networks identified in the Lake Tahoe Region Bike Trail and Pedestrian Plan (TMPO 2010 as amended) and other necessary trail connections to the trails identified in the Lake Tahoe Region Bike Trail and Pedestrian Plan.

**e. Existing Trails Do Not Qualify**

Trails constructed prior to January 1, 2013 do not qualify for this coverage exemption.

**E. Limit on Aggregate of Coverage Exemptions and Credits on Parcels or Project Areas**

The total amount of coverage exemptions and credits on parcels or project areas applies only to non-permanent structures, pervious decks, pervious coverage, and

small utility installations and shall not exceed in aggregate ten percent of the total amount of non-sensitive land on a parcel.

**F. Restriction on Parcels with Illegal or Excess Coverage**

Prior to approval of any coverage credit or exemption for pervious coverage, pervious decks or non-permanent structures, TRPA shall verify that existing coverage on the parcel was legally established or will be removed in conjunction with permitted improvements; and any legally existing excess coverage has been fully mitigated in accordance subsection 30.6.1.

**G. Fire Defensible Space**

Gravel and similar non-previous groundcover that is used for defensible space within 5 feet of a structure is exempt from the calculation of land coverage. Any existing installations that were legally established as coverage count as coverage and shall only qualify for this exemption if consistent with all approval criteria.

**H. Facilities for Public Safety and Access of the Disabled**

Coverage transferred to a parcel for public safety and access facilities in accordance with subparagraph 30.4.2.A.4 shall be exempted from calculations of land coverage.

**I. Relocating or Banking Exempted Coverage**

When TRPA authorizes exemptions for existing verified coverage, the exempted coverage may be relocated onsite or banked for future use or transfer in accordance with Chapter 51.

**30.4.7. Off-Site Land Coverage**

For purposes of this section, off-site coverage is coverage that is located in the public right-of-way, but used for private purposes. Most developed properties have off-site driveway coverage.

**A. General Standards**

1. Off-site driveway coverage shall be the minimum necessary to provide safe property access.
2. Off-site walkway coverage is allowed for connections between on-site walkways and sidewalks, trails or roads.
3. When projects decrease off-site coverage, the off-site coverage shall be retired.
4. When projects increase off-site coverage, the additional coverage shall be fully mitigated in accordance with the applicable Hydrologic Area Mitigation fee listed in the fee schedule.

**30.5. PROHIBITION OF ADDITIONAL LAND COVERAGE IN LAND CAPABILITY DISTRICTS 1a, 1c, 2, 3, AND 1b (STREAM ENVIRONMENT ZONES)**

No additional land coverage or other permanent land disturbance shall be permitted in Land Capability Districts 1a, 1c, 2, 3, and Land Capability District 1b (Stream Environment Zone), except as follows:

### **30.5.1. Exceptions to Prohibition in Land Capability Districts 1a, 1c, 2, and 3**

The following exceptions apply to the prohibition of land coverage and disturbance in Land Capability Districts 1a, 1c, 2, and 3:

#### **A. Individual Parcel Evaluation System (IPES)**

Land coverage and disturbance for single-family houses may be permitted in Land Capability Districts 1a, 1c, 2 and 3 when reviewed and approved pursuant to IPES in accordance with Chapter 53: *Individual Parcel Evaluation System*.

#### **B. Public Outdoor Recreation Facilities**

Land coverage and disturbance for public outdoor recreation facilities, including public recreation projects on public lands, private recreation projects through use of public lands, and private recreational projects on private lands that are depicted or provided for on a public agency's recreational plan, may be permitted in Land Capability Districts 1a, 1c, 2, or 3 if TRPA finds that:

1. The project is a necessary part of a public agency's long-range plans for public outdoor recreation;
2. The project is consistent with the Recreation Element of the Regional Plan;
3. The project by its very nature must be sited in Land Capability Districts 1a, 1c, 2, or 3, such as a ski run or hiking trail;
4. There is no feasible alternative that avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2, or 3; and
5. The impacts of the coverage and disturbance are fully mitigated through means including, but not limited to, the following:
  - a. Application of best management practices; and
  - b. Restoration, in accordance with subsection 30.5.3, of land in Land Capability Districts 1a, 1c, 2, 3, and 1b (Stream Environment Zone) in the amount of 1.5 times the area of land in such districts covered or disturbed for the project beyond that permitted by the coefficients in Table 30.4.1-1.

#### **C. Public Service Facilities**

Land coverage and disturbance for public service facilities may be permitted in Land Capability Districts 1a, 1c, 2, and 3 if TRPA finds that:

1. The project is necessary for public health, safety, or environmental protection;
2. There is no reasonable alternative, including relocation, that avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2, or 3; and
3. The impacts of the coverage and disturbance are fully mitigated in the manner prescribed by subparagraph 30.5.1.B.5.

**D. Water Quality Control Facilities**

Land coverage and disturbance may be permitted in Land Capability Districts 1a, 1c, 2, and 3 for erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects, and similar projects, programs, and facilities if TRPA finds that:

1. The project, program, or facility is necessary for environmental protection;
2. There is no reasonable alternative, including relocation, that avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2, or 3; and
3. Impacts are fully mitigated and, if applicable, transferred land coverage requirements pursuant to subparagraph 30.4.3.B.5 are met.

**30.5.2. Exceptions to Prohibition in Land Capability District 1b (Stream Environment Zone)**

The following exceptions shall apply to the prohibition of land coverage and disturbance in Land Capability District 1b (Stream Environment Zone):

**A. Stream Crossings**

Land coverage and disturbance for projects to provide access across stream environment zones to otherwise buildable sites, if such projects otherwise comply with applicable development standards in Chapter 32: *Basic Services*, may be permitted in Land Capability District 1b (Stream Environment Zone) if TRPA finds that:

1. There is no reasonable alternative, including relocation, that avoids or reduces the extent of encroachment in the stream environment zone, or that encroachment shall be necessary to reach the building site recommended by IPES; and
2. The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in subparagraph 30.5.1.B.5, with the exception that the restoration requirement in such subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

**B. Public Outdoor Recreation**

Land coverage and disturbance for public outdoor recreation facilities may be permitted in Land Capability District 1b (Stream Environment Zone) if TRPA finds that:

1. The project is a necessary part of a public agency's long-range plans for public outdoor recreation;
2. The project is consistent with the Recreation Element of the Regional Plan;
3. The project by its very nature must be sited in a stream environment zone, such as bridges, stream crossings, ski run crossings, fishing trails, and boat launching facilities;

4. There is no feasible alternative that would avoid or reduce the extent of encroachment in the stream environment zone; and
5. The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in subparagraph 30.5.1.B.5, with the exception that the restoration requirement in such subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

**C. Public Service**

Land coverage and disturbance for public service facilities may be permitted in Land Capability District 1b (Stream Environment Zone) if TRPA finds that:

1. The project is necessary for public health, safety, or environmental protection;
2. There is no reasonable alternative, including a bridge span or relocation, that avoids or reduces the extent of encroachment in the stream environment zone; and
3. The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in subparagraph 30.5.1.B.5, with the exception that the restoration requirement in such subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.

**D. Water Quality Control Facilities**

Land coverage and disturbance may be permitted in Land Capability District 1b (Stream Environment Zone) for erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects, and similar projects, programs, and facilities if TRPA finds that:

1. The project, program, or facility is necessary for environmental protection;
2. There is no reasonable alternative, including relocation, that avoids or reduces the extent of encroachment in the stream environment zone; and
3. Impacts are fully mitigated and, if applicable, transferred land coverage requirements pursuant to subparagraph 30.4.3.B.5 are met.

**E. Vegetation**

Indigenous vegetation shall not be removed or damaged in Land Capability District 1b (Stream Environment Zone) unless otherwise authorized under TRPA permit pursuant to subsections 30.5.2, 30.4.4, 61.1.6, 61.3.3, Sections 85.7, 61.2, 64.3, or Chapter 64: *Livestock Grazing*. Species used for revegetation or landscaping shall be species appropriate for the stream environment zone type (e.g., meadow, marsh).

**30.5.3. Restoration Credit Requirements**

The following requirements apply to restoration:

- A. The restoration requirements of subparagraphs 30.4.3.B.5 and 30.5.1.B.5, may be accomplished onsite and/or offsite by the applicant or another agency approved by TRPA. Such restoration requirements shall be in lieu of any land coverage transfer requirement or water quality mitigation fee pursuant to Chapter 60: *Water Quality*.
- B. Only land that has been disturbed or consists of hard or soft land coverage shall be eligible for restoration credit. Restoration shall result in the area functioning in a natural state and shall include provisions for permanent protection from further disturbance. Lands disturbed by the project and then restored shall not be eligible for credit. Provisions for permanent protection from further disturbance shall include, but are not limited to, recordation by the owner of deed restrictions or other covenants running with the land on a form approved by TRPA, against parcels in private ownership, permanently assuring that the restoration requirements of subparagraphs 30.4.3.B.5 or 30.5.1.B.5 are satisfied, as applicable. On public lands, TRPA shall obtain appropriate assurance from the public agency that the requirements of subparagraph 30.4.3.B.5 or 30.5.1.B.5, as applicable, are met.

## **30.6. EXCESS LAND COVERAGE MITIGATION PROGRAM**

This section applies to projects, and certain qualified exempt activities pursuant to subsection 2.3.6, where the amount of TRPA-verified land coverage existing in the project area prior to the project exceeds the base land coverage prescribed by subsection 30.4.1. Land coverage in excess of the base allowable land coverage shall be mitigated by the transfer of land coverage pursuant to subsection 30.4.3 or the land coverage mitigation program set forth in this section.

### **30.6.1. Implementation of Program**

Except as otherwise provided by subsection 30.6.2, all projects on parcels or other project areas with unmitigated excess land coverage are subject to the land coverage mitigation program set forth in this section. Projects subject to the program shall reduce land coverage by the amounts specified in subparagraphs 30.6.1.A and B.

#### **A. Excess Coverage Calculation**

Excess land coverage equals the amount of TRPA-verified existing land coverage, less the total of the following: the maximum allowable amount of base coverage, the amount of coverage approved by transfer, and the amount of coverage previously mitigated under this section.

#### **Summary of Excess Land Coverage Calculation**

Excess Land Coverage (sq. ft.) = Existing land coverage (sq. ft.) – [Maximum base allowable land coverage (sq. ft.) + Approved transferred land coverage (sq. ft.) + Previously mitigated land coverage (sq. ft.)]



**B. Excess Land Coverage Mitigation Program Options**

In the event land coverage reduction is required, the applicant may choose any of the following options, or combinations thereof, to comply with the requirements of this section.

**1. Reduce Land Coverage Onsite**

Coverage may be reduced onsite as part of the project approval. Land subject to reductions shall be restored pursuant to subsection 30.5.3.

**2. Reduce Land Coverage Offsite**

Coverage may be reduced offsite as part of the project approval. Coverage may be reduced in a different hydrologically related area provided the restoration occurs on more sensitive land than the project area. Land subject to reductions shall be restored pursuant to subsection 30.5.3.

**3. Land Coverage Mitigation Fee**

A land coverage mitigation fee may be paid to TRPA in lieu of reducing land coverage pursuant to subparagraphs 1 or 2 above. The fee may be used outside of the hydrological related area from which it is collected to achieve more strategic environmental benefits. The fee shall be forwarded by TRPA to a land bank to provide land coverage reduction. The nonrefundable fee shall be calculated pursuant to subparagraph 30.6.1.C.

**4. Parcel Consolidation or Parcel Line Adjustment**

The amount of excess land coverage may be reduced by parcel consolidation or parcel line adjustment with a contiguous parcel as part of the project approval.

**5. Projects Within Community Plans**

Projects that are located within an adopted community plan may rely on the community plan to mitigate excess land coverage provided TRPA makes findings a and b, below. In lieu of findings a and b being made, TRPA may determine that a project complies with the requirements of this subparagraph by making finding c, below:

- a. The project is located within an area for which a community plan, as originally adopted or subsequently amended, includes a program to mitigate the excess land coverage within the area. Such a program shall ensure that coverage mitigation, when measured for individual parcels affected by the program, meets the standards set forth in subparagraphs 30.6.1.A through C. The options available for mitigating excess land coverage under any such program shall be any combination of those options set forth in subparagraphs 1, 2, 3, or 4 above.
- b. There is an irrevocable commitment for the funding necessary to implement the program for mitigating excess land coverage. For purposes of this subparagraph, "irrevocable commitment" shall mean the following:

The public entity funding the measure or, when necessary, the electorate has made all discretionary decisions required for the issuance of the bonded indebtedness under applicable state law and that only ministerial acts necessary to the issuance of any such bonded indebtedness and the receipt of funds therefrom remain to be completed. Any such funds shall be finally committed to, and available for, expenditure;

The application for state and federal grant monies has received approval, and such grant monies are included in a duly enacted state budget or a legislative appropriation or federal authorization and appropriation. Any such funds shall be finally committed to, and available for, expenditure for the excess land coverage mitigation program in accordance with the approved community plan;

Where the funding of the program is the responsibility of a person or persons, TRPA shall ensure that the public entity has received sufficient funds or an acceptable security to fully fund the program;

The public entity funding the program has received a funded commitment from another public entity as described in a or b above; or

Any combination of (i) through (iv) above.

- c. As a condition of approval, the permittee for the project shall post a security with TRPA, in accordance with Section 5.9, in an amount equal to the excess coverage mitigation fee otherwise required under Section 30.6. If a program to mitigate excess land coverage within the community plan has not been adopted by TRPA and an irrevocable commitment made by the time of final inspection of the project by TRPA, or three years after commencement of construction, whichever is sooner, the security shall be forfeited to TRPA. Securities forfeited to TRPA under this subparagraph shall be forwarded to a land bank to provide land coverage reduction.

**C. Determination of Excess Land Coverage Mitigation**

The required excess land coverage reduction mitigation shall be calculated as follows:

**1. Coverage Reduction Mitigation**

For purposes of calculating the square footage reduction of excess coverage to be credited the parcel pursuant to Chapter 6: *Tracking, Accounting, and Banking*; the land coverage reduction square footage shall be calculated by determining the reduction percentage from Table 30.6.1-2 below, based on the amount of TRPA-verified existing excess land coverage on the parcel or project area. The reduction percentage from Table 30.6.1-2 shall be multiplied by the estimated coverage mitigation construction cost of the project and then divided by the mitigation factor of eight.

$\text{Land Coverage Reduction (Sq. Ft.)} = \frac{\text{Fee Percentage} \times \text{Land Coverage Mitigation Construction Cost (\$)}}{\text{Mitigation Factor of 8.}}$
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**2. Excess Land Coverage Mitigation Fee**

The excess coverage mitigation fee shall be calculated by determining the amount of required land coverage reduction (sq. ft.), in accordance with subparagraph 1 above. The land coverage reduction square footage shall then be multiplied by the appropriate Mitigation Fee Coverage Cost Factor to determine the Excess Land Coverage Mitigation Fee. The Mitigation Fee Land Coverage Cost Factor(s) shall be established by TRPA staff using an Annual Percentage Growth Rate (APGR) calculation (or best available alternate methodology) based on the best available residential sales information for the Tahoe Region. The APGR shall be calculated regularly, at least every 4 years. The fee shall be updated utilizing the most recently calculated APGR. Fee adjustments are limited to increases, even in instances when the APGR calculation may result in a negative percentage growth, to preserve the intent of the Excess Land Coverage Mitigation Fee program, and maintain consistency with the land bank's cost to acquire and restore land coverage under this program. The current excess land coverage fee shall be included within the fee schedule.

The excess land coverage fee shall be as follows:

Mitigation Fee (\$) = Land Coverage Reduction Sq. Ft. x Mitigation Fee Sq. Ft. Land Coverage Cost Factor.
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**3. Land Coverage Mitigation Construction Cost**

"Land coverage mitigation construction cost" is defined as a cost estimate prepared by a registered engineer, licensed architect, or other qualified professional acceptable to TRPA, of the cost to construct the structural elements of a structure. This includes, without limitation: pier pilings, bracing and supports, bearing walls, rafters, foundations, and base materials under asphalt or concrete. Land coverage mitigation construction cost shall not include non-structural elements such as painting, shingles and other non-bearing roofing materials, siding (except siding necessary to brace or provide shear strength), doors overlays upon existing paved surfaces, HVAC systems, sewer systems, water systems, electrical systems, furniture, and similar decorations and fixtures.

TABLE 30.6.1-2: EXCESS COVERAGE REDUCTION SQ. FT. FACTOR	
Square Feet of Excess Coverage	Reduction % Factor
>400 or less	0.06
>400 – 600	0.12
>600 - 1,000	0.25
>1,000 - 1,500	0.50
>1,500 - 2,000	0.75
>2,000 - 2,800	1.00
>2,800 - 3,800	1.25
>3,800 - 5,000	1.50
>5,000 - 6,400	1.75
>6,400 - 8,000	2.00
>8,000 - 11,000	2.25
>11,000 - 15,000	2.50
>15,000 - 18,000	2.75
>18,000 - 21,780	3.00
>21,780 - 43,560	3.25
>43,560 - 65,340	3.50
>65,340 - 87,120	3.75
>87,120 - 108,900	4.00
>108,900 - 130,680	4.25
>130,680 - 152,460	4.50
>152,460 - 174,240	4.75
>174,240	5.00

### 30.6.2. Exemptions From the Excess Land Coverage Mitigation Program

#### A. Parcels With Mitigated Land Coverage

Parcels or project areas that contain land coverage in excess of base land coverage prescribed by subsection 30.4.1, provided such excess coverage has been fully mitigated pursuant to subsection 30.6.1, shall not be subject to the land coverage mitigation program.

#### B. Repair and Reconstruction of Buildings Damaged or Destroyed by Fire or Other Calamity

Repair and reconstruction of buildings damaged or destroyed by fire or other calamity pursuant to Chapter 2: *Applicability of the Code of Ordinances* shall not be subject to the excess land coverage mitigation program.

#### C. Work Not Requiring a Permit

An activity not requiring a permit pursuant to Chapter 2 shall not be subject to the excess land coverage mitigation program.

**D. TRPA Requirements**

Projects and modifications, or portions thereof, required by TRPA and that are directly related to attainment of the environmental thresholds, such as best management practices and stream environment zone restoration, shall not be subject to the excess land coverage mitigation program. The following categories of projects, if not carried out in conjunction with another type of project, may be exempt from the excess land coverage mitigation program:

- 1. Installation of erosion control facilities;
- 2. Restoration of disturbed areas;
- 3. SEZ restoration;
- 4. Underground storage tank removal, replacement, or maintenance;
- 5. Hazardous waste spill control or prevention facilities; and
- 6. Sewage pump-out facilities for RVs or boats.

**E. Repair of Linear Public Facilities**

Repair of linear public facilities is not subject to the excess land coverage mitigation program.

**F. Minor Utility Projects**

Activities that involve the replacement, repair, undergrounding, or interconnection of existing utilities or that extend local distribution, and that are located within a right-of-way where the applicant is not the primary right-of-way user, are considered minor utility projects and shall not be subject to the excess land coverage mitigation program. The construction of roads is not a minor utility project. The primary right-of-way user shall be the owner or controlling party of the right-of-way.

**G. Synthetic Turf Coverage**

Public athletic fields converted from turf grass to synthetic turf pursuant to subsection 30.4.5 shall not be subjected to the excess land coverage mitigation program. This exemption shall not apply to synthetic turf that is lawfully approved for hard coverage.

**30.6.3. Onsite Removal and Retirement of Excess Coverage in Centers**

- A. Before utilizing this subsection, excess coverage shall be mitigated pursuant to Section 30.6.
- B. Onsite removal and retirement of remaining excess coverage in Centers may earn multi-residential bonus units, tourist accommodation bonus units, and/or commercial floor area, pursuant to the conversion ratios in the following table:

**TABLE 30.6.3-1: CONVERSION RATIOS FOR EXCHANGE OF COVERAGE FOR RESIDENTIAL BONUS UNITS, CFA, AND TAUS**

Land Capability District 1b (SEZ)	Coverage Reduced (sq. ft.)	Bonus Units Earned <sup>1</sup>
1b (SEZ)	700	1
1a, 1c, 2, or 3	1400	1
4, 5, 6, or 7	2100	1

<sup>1</sup> One unit is equivalent to one residential bonus unit, one TAU, or 1,000 square feet of CFA. Rounding shall not be used to round up to whole numbers of bonus units.

**Example:** Site has 1,000 sq. ft. of excess land coverage in an SEZ.

Step 1: Applicant must mitigate excess coverage according to Section 30.6.

Thus, if 200 sq. ft. of coverage is mitigated under Section 30.6, then the applicant would have 800 sq. ft. (1,000 sq. ft. – 200 sq. ft. = 800 sq. ft.) of remaining excess coverage to apply under Step 2.

Step 2: Apply options of Table 30.6.3-1 to determine the number of bonus units earned.

Thus, if an additional 700 sq. ft. of coverage is reduced, then the applicant would earn one bonus unit because the reduced coverage is in an SEZ. This would leave 100 sq. ft. (800 sq. ft. – 700 sq. ft. = 100 sq. ft.) of excess coverage on the site.

*Land Coverage Reduction (Sq. Ft.) = Fee Percentage x Land Coverage Mitigation Construction*

## CHAPTER 31: DENSITY

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### 31.1. PURPOSE

The purpose of this chapter is to establish maximum densities, set forth methods for calculating maximum densities, and distinguish development rights from density.

### 31.2. APPLICABILITY

The provisions of this chapter are applicable to all projects and activities, including residential, tourist accommodations, developed campgrounds, recreational vehicle parks, and group recreation facilities uses.

### **31.3. MAXIMUM DENSITY**

#### **31.3.1. Maximum Density by Use Type**

Increases in density up to the maximum allowed shall be subject to the following provisions:

##### **A. Residential Uses**

On parcels where residential uses are permissible, each parcel shall be entitled to one residential unit. Higher densities, up to the limits in Table 31.3.2-1 or as established in the applicable area plan, plan area statement or adopted plan, whichever is most restrictive, may be developed by conversion of development rights, transfer of development rights, transfer of allocations or a potential residential unit of use, or multi-residential incentives in accordance with Chapter 50: *Allocation of Development*, Chapter 51: *Banking, Conversion, and Transfer of Development Rights*, and Chapter 52: *Bonus Unit Incentive Program*.

##### **B. Tourist Accommodation Uses**

On parcels where tourist accommodation uses are permissible, density up to the limits in the Table 31.3.2-1 or as established in the applicable area plan, plan area statement or adopted plan, whichever is most restrictive, may be developed by conversion of development rights or transfer of existing development in accordance with Chapter 51 or by obtaining tourist accommodation bonus units in accordance with Chapter 52.

##### **C. Recreation Uses**

On parcels where developed campgrounds, recreational vehicle parks, or group facilities are permissible, density up to the limits in Table 31.3.2-1 or as established in the applicable area plan, plan area statement, or adopted plan, whichever is most restrictive, may be developed through utilization of recreational development allocations in accordance with Chapter 50: *Allocation of Development*, or by transfer of existing development in accordance with Chapter 51. For other types of recreational uses, maximum densities or intensities shall be determined by the standards in the Site Development division (Chapters 30 through 39) and other applicable provisions of this Code.

##### **D. Density of Commercial, Public Service, and Resource Management Uses**

On parcels where commercial, public service, or resource management uses are permissible, the density or intensity shall be determined by the site development standards in the Site Development division (Chapters 30 through 39) and other applicable provisions of this Code.

#### **31.3.2. Table of Maximum Densities**

Except where a TRPA plan area statement or adopted plan sets a more restrictive standard, no person shall create a density that exceeds the limits set forth in Table 31.3.2-1, except as provided in Section 31.4, *Increases to Maximum Density*.



TABLE 31.3.2-1: MAXIMUM DENSITIES	
Use	Maximum Density
<b>Residential Uses</b>	
<u>California</u> Single-family dwelling	1 unit per parcel, excluding ADUs
<u>Nevada</u> Single-family dwelling (parcels less than one acre) Single-family dwelling (parcels greater than or equal to one acre) Summer home Multiple-family dwelling Mobile-home dwelling Multi-person dwelling, nursing and personal care, and residential care	1 unit per parcel 2 units per parcel, provided one unit is an authorized Accessory Dwelling Unit 1 unit per parcel or lease site 15 units per acre 8 units per acre 25 persons per acre
<b>Tourist Accommodation Uses</b>	
Bed and breakfast	10 units per acre
All other - If less than 10 percent of the units have kitchens - If greater than or equal to 10 percent of the units have kitchens	40 units per acre 15 units per acre
<b>Recreational Uses</b>	
Developed campgrounds	8 sites per acre
Recreation vehicle parks	10 sites per acre
Group facilities	25 persons per acre

### 31.3.3. Conversion Factors

For residential uses set forth in Table 31.3.2-1, including multi-person dwellings, nursing and personal care, and residential care, 2.5 persons shall be equivalent to one residential unit. For recreational uses, four persons (PAOT) shall be equivalent to one recreation site.

## 31.4. INCREASES TO MAXIMUM DENSITY

### 31.4.1. Affordable, Moderate, and Achievable Housing

#### ~~A. Affordable Housing~~

~~Affordable housing projects meeting TRPA requirements may be permitted to increase the maximum density established in Section 31.3 by up to 25 percent, provided TRPA finds that:~~

- ~~1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing; and~~

~~2. The additional density is consistent with the surrounding area.~~

~~**B. Affordable Housing within Kings Beach Commercial Community Plan**~~

~~Affordable housing projects meeting TRPA requirements and located in designated special areas for affordable housing within the Kings Beach Commercial Community Plan may be permitted to increase the maximum density established in Section 31.3 by 100 percent, provided TRPA finds that:~~

~~1. The project, at the increased density, satisfies a demonstrated need for additional affordable housing;~~

~~2. The additional density is consistent with the surrounding area; and~~

~~The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area.~~

~~**A. Affordable, Moderate, and Achievable Housing**~~

~~Residential developments or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable, as described in subsection 36.13, and utilize bonus units are exempt from the density maximums in Section 31.3.~~

~~3.~~

**31.4.2. Timeshare Uses (Residential Design)**

A timeshare use (residential design) in an adopted community plan area may increase the permitted density by a factor of two, or a timeshare use (residential design) in an adopted TRPA Redevelopment Plan Area may increase the permitted density by a factor of 2.5, provided TRPA makes the following findings:

- A. The special use findings in subsection 21.2.2 are satisfied;
- B. The project provides transit service for its patrons directly or by contract with a transit provider;
- C. The project provides pedestrian and access amenities within the project area or within adjacent rights-of-way, consistent with the community or redevelopment plan; and
- D. If the project area contains excess land coverage, the land coverage will be reduced to no more than 75 percent of the project area.

**31.4.3. Density in Special Height Districts**

The maximum densities established in Section 31.3 may be exceeded for projects located in designated Special Height Districts as defined in subsection 37.5.4. The amount of deviation from the density standards shall be established by a density analysis report approved by TRPA; however, the deviation shall not exceed the maximum densities established in Section 31.3 by a factor of three. To approve any project relying on the increase in density specified in the density analysis report, TRPA shall make the findings pursuant to subparagraphs 31.4.2.A through D.

#### **31.4.4. Density in Area Plan Overlays**

The maximum densities established in Section 31.3 may be exceeded for project located in the Town Center, Regional Center, and High-Density Tourist District Overlays in approved Area Plans pursuant to Section 13.5.3.

#### **31.4.5. Tourist Accommodation to Residential Conversion**

Existing tourist accommodation developments that change the use of or redevelop the existing structures to a multi-residential use pursuant to Section 21.2, Permissible Uses, and convert the units pursuant to Section 51.4, Conversion of Development Rights may maintain existing densities. If the density exceeds the maximum allowed density for a multi-residential use, the multi-residential use will be considered a legally existing non-conforming use for density purposes. Such conversions shall be subject to the following standards:

- A.** The tourist accommodation units shall have been legally established prior to July 1, 1987.
- B.** Additional units that result from the conversion shall be banked onsite provided all applicable requirements of Section 51.3, Banking of Development Rights are met.

#### **31.4.6. Legal, Non-Conforming Tourist and Residential Density**

Tourist accommodation or residential developments may maintain existing densities as part of onsite redevelopment. If the resulting density exceeds the maximum allowed density, the use will be considered a legally existing non-conforming use for density purposes. Tourist accommodation and residential uses with legal non-conforming density shall be subject to the following standards:

- A.** The units shall have been legally established prior to July 1, 1987.
- B.** Residential units shall be maintained as a residential use.
- C.** Tourist accommodation uses may be converted to a residential use, in accordance with Subsection 31.4.5.
- D.** Units that are banked onsite and which resulted from development that was legally established on that parcel prior to July 1, 1987 may be counted toward the existing density.
- E.** If a transfer of development from the site occurs to make the project area more conforming, it cannot be transferred back to result in non-conforming density.

#### **31.4.7. Calculation of Density with Accessory Dwelling Units**

Accessory dwelling units shall not be considered in the calculation of density.

## 31.5. CALCULATION OF MAXIMUM DENSITY

The maximum density that may be permitted within a project area shall be calculated as set forth in this section.

### 31.5.1. Single Uses

For a single use, the maximum density established in Section 31.3 shall be applied to the project area.

### 31.5.2. Mixed Uses

For two or more uses, the maximum densities shall be established through the following process: (1) determine the category or categories of mixed use on the parcel or project area, pursuant to subsection A below; and (2) determine the rules applicable to that category of mixed use pursuant to subsection B below.

#### A. Categories of Mixed Use

The category of the mixed use shall be determined from the following table. Select the first proposed use from the left-hand column and the second proposed use from the top-level row. Any other combination of uses not shown in the table, including three or more uses in any project area, is assigned to Category F.

TABLE: 31.5.2-1: CATEGORIES OF MIXED USE								
	Single-Family Dwelling Summer Home	Multi-family Dwelling Mobile Home Dwelling Multi-person Dwelling Nursing and Personal Care Residential Care Bed and Breakfast				Other Tourist Accommodation (less than 10% kitchens) Other Tourist Accommodation (greater than or equal to 10% kitchens)	Developed Campgrounds Recreation Vehicle Parks Group Facilities	Commercial use Public Service Use Other Recreational Use Resource Management
Single-Family Dwelling Summer Home		A				A	A	D
Multi-Family Dwelling Mobile Home Dwelling Multi-Person Dwelling Nursing and Personal Care Residential Care Bed and Breakfast	A	B				B	B	E
								F
								E
								F
Other Tourist Accommodation (less than 10% kitchens) Other Tourist Accommodation (greater than or equal to 10% kitchens)	A	B				C	B	E
Developed Campgrounds Recreation Vehicle Parks Group Facilities	A	B				B	B	F
Commercial Use Public Service Use Other Recreational Use Resource Management	D	E	F	E	F	E	F	G

**B. Maximum Density for Mixed-Use Categories**

Depending upon the category of the mixed uses, as determined from Table 31.5.2-1, maximum density shall be calculated as follows:

**1. Category A**

In Category A, a single-family dwelling or summer home shall be treated as equivalent to another residential unit, tourist unit, or campsite. Maximum densities for all other residential units, tourist accommodation units, or campsites shall be in accordance with Table 31.3.2-1. Conversion factors set forth in subsection 31.3.3 shall be applied as appropriate.

**2. Category B**

In Category B, the maximum density shall be calculated as a proportional share of the maximum densities for the combined uses, rounded to the next lowest whole number.

**CATEGORY B: EXAMPLE DENSITY CALCULATIONS**

**Example 1**

A proposed project that contains an equal number of multi-family dwellings and other tourist accommodation units without kitchens.

$$\text{Maximum Density} = \frac{\text{Density of Multi-Family Dwelling (15)} + \text{Density of Other Tourist w/o Kitchens (40)}}{2} = \frac{55}{2} = 27.5 \text{ units/acre} (= 27 \text{ units/acre})$$

On a hypothetical two-acre project, a maximum 55 units would be allowed.

**Example 2**

A proposed project will contain 2/3 multi-family dwellings and 1/3 other tourist units without kitchens.

$$\text{Maximum Density} = \frac{(2) \times \text{Density of Multi-Family Dwelling (15)} + (1) \times \text{Density of Other Tourist w/o Kitchens (40)}}{3} = \frac{40}{3} = 23.5 \text{ units/acre} (= 23 \text{ units/acre})$$

**3. Category C**

In Category C, if ten percent or more of the other tourist units have kitchens, the maximum density is 15 units per acre. If less than ten percent of the other tourist units have kitchens, then the maximum density is 40 units per acre.

**4. Category D**

In Category D, the maximum residential density is one unit per project area, provided that residential units are allowed by the local plan, except for mixed-use project proposing to subdivide multi-family units, which is subject to Category E below.

**5. Category E**

In Category E, the maximum density for a multi-family dwelling, multi-person dwelling, or other tourist accommodation use shall be the maximum density for the given residential or tourist accommodation use, as determined by Table 31.3.2-1, multiplied by the ratio of the floor area of that use to the total floor area in the project area (see Examples 1 and 2), subject to the exceptions below.

- a. If another use with which the residential or tourist accommodation use is to be combined does not lend itself to a calculation of floor area, such as a park or golf course, then the maximum residential or tourist accommodation density shall be calculated as for Category F, below.
- b. If multi-person dwellings are proposed in the primary campus area of an accredited college located in the Lake Tahoe Basin, then the maximum density for the project area shall be that prescribed by the applicable local plan.

**6. Category F**

**a. Applicability**

Category F applies in the following cases:

When a mobile-home dwelling, bed and breakfast, developed campground, recreational vehicle park, and/or group facilities use is combined with a commercial use, public service use, other recreational use, or resource management use;

When more than two uses are combined;

When there is a combination of uses not listed in the Table 31.3.2-1; and/or

When another use with which a residential or tourist accommodation use is to be combined, such as a park or golf course, does not lend itself to a calculation of floor area the maximum residential or tourist density shall be calculated per this subsection.

**b. Density Calculation**

**(i) Uses Subject to Density Calculation**

The project proponent shall designate, as part of the project application, the portion of the project area to be devoted to a residential, tourist accommodation, or developed recreational use. The maximum density established in Section 31.3 shall be applied to that portion of the project area.

**(ii) Uses Not Subject to Density Calculation**

The maximum densities for uses that are not subject to the density calculations of Category F, such as commercial, public service, other recreational, and resource management uses, shall be determined by other sections of the Code that address land coverage, building height, parking, and other development standards.

**7. Category G**

In Category G, mixed uses shall be permitted if they otherwise conform to this Code and applicable local plan.

## CATEGORY E: EXAMPLE DENSITY CALCULATIONS

### Example 1: Vertical Mixed-Use— Density Calculation for Multi-Family Dwelling

For a proposed building that contains a commercial establishment on the ground floor and multi-family dwellings on the second floor, and where each floor has a floor area of 10,000 square feet, the maximum residential density is 7.5 units per acre, calculated as follows:

$$\frac{\text{Floor Area of Multi-Family Dwelling (10,000)}}{\text{Total Project Floor Area (20,000)}} \times \text{Density of Multi-Family Dwelling (15)} = 7.5 \text{ persons/acre}$$

On a hypothetical two-acre parcel, a maximum of 15 dwelling units would be allowed.

### Example 2: Vertical Mixed-Use in Two-Story Structure — Density Calculation for Multi-Person Dwelling

For a proposed project that contains a public service use of 3000 square feet on ground floor and a multi-person dwelling of 750 square feet on the second floor, the maximum residential density is 5 persons per acre, calculated as follows:

$$\frac{\text{Floor Area of Multi-Person Dwelling (750)}}{\text{Total Project Floor Area (3750)}} \times \text{Density of Multi-Person Dwelling (25)} = 5 \text{ persons/acre}$$

On a hypothetical two-acre project area, a maximum of 10 persons would be allowed.

### Example 3: Horizontal Mixed-Use in Detached Single-Story Structures — Density Calculation for Multi-Family Dwelling

For a proposed project that contains multi-family dwellings and a commercial use in separate structures, the maximum residential density is determined by applying the maximum density in the table in Section 31.3 to the portion of the project area to be devoted to the multi-family use. Thus, if a landowner proposes to use 10,000 square feet of a 50,000-square foot lot for multi-family dwellings, and the remaining 40,000 square feet is proposed for commercial uses, the maximum multi-family dwelling density is 3 units per acre, calculated as follows:

$$\frac{\text{Land Area of Multi-Family Dwelling (10,000)}}{\text{Total Project Floor Area (50,000)}} \times \text{Density of Multi-Family Dwelling (15)} = 3 \text{ units/acre}$$

On the hypothetical 50,000-square foot lot, a maximum of 3 multi-family dwellings would be allowed.

On a hypothetical 45,000-square foot lot, a maximum of 1 multi-family dwelling would be allowed.



## CATEGORY F: EXAMPLE DENSITY CALCULATIONS

### Example 1: One Use Requires Density Calculation

For a proposed project on a two-acre lot in which one-half acre of the lot area is dedicated to a bed and breakfast use, one acre is dedicated to commercial uses, and one-half acre is dedicated to public service uses, the maximum number of bed and breakfast units is five, calculated as follows:

Density of Bed & Breakfast (**10/acre**) X Land Area of Bed and Breakfast (**0.5 acre**) = **5 units**

### Example 2: More Than One Use Requires Density Calculation

For a proposed project on a five-acre lot in which one-half acre of the lot area is dedicated to a bed and breakfast use, one acre to other tourist accommodation (greater than 10% with kitchens) uses, 1.2 acres to multi-family dwellings, and 2.3 acres to commercial uses, the maximum number of bed and breakfast, tourist, and multi-family units is calculated as follows:

Maximum Density of Use x	Area Dedicated to Use =	Maximum Number of Units
Bed and Breakfast (10 units/acre)	0.5 acre	5 units
Other Tourist (> 10% kitchen) (15 units/acre)	1 acre	15 units
Multi-family dwelling (15 units/acre)	1.2 acre	18 units
		<b>TOTAL: 38 units</b>

### 31.5.3. Redevelopment

Special provisions for density calculations for redevelopment areas were set forth in Chapter 13: Redevelopment Plans (prior to December 12, 2012 amendments). Prior to adoption of a Conforming Area Plan for the South Lake Tahoe Redevelopment Area, applicable provisions of Chapter 13 (Redevelopment Plans) that were in effect prior to December 12, 2012, shall remain in effect.

### 31.5.4. Subdivisions

Nothing in this chapter shall be construed to permit the subdivision of land.

## 31.6. EXISTING DENSITY

The requirements in this section apply to density that was legally commenced and in existence as of the effective date of the Regional Plan, July 1, 1987.

### 31.6.1. Conforming Density

Existing density that complies with the limits prescribed in this chapter shall be conforming, and may be increased, so long as the limits in this chapter are not exceeded.

### 31.6.2. Nonconforming Density

Existing density that does not comply with the limits prescribed in this chapter shall be nonconforming and shall not be increased.

## CHAPTER 34: DRIVEWAY AND PARKING STANDARDS

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### 34.1. PURPOSE

This chapter sets forth minimum standards for driveways and parking facilities to minimize interference with traffic flow on the streets and highway system of the Tahoe region.

### 34.2. APPLICABILITY

This chapter is applicable to all development that requires or uses vehicular access or parking, except as noted below.

#### 34.2.1. Douglas County Substitutions

The *Douglas County Community Plans, Design Standards and Guidelines*, August 1993, shall apply within the Round Hill Community Plan until such time as it may be superseded by standards in an approved Area Plan. The Tahoe Area Plan Regulations (Chapter 20.703) of the Douglas County Development Code and the South Shore Design Standards and Guidelines (September 2013 and as amended) shall apply to the South Shore Area Plan. Any additional

approved Area Plans that include Design Standards and Guidelines may also be substituted in locations covered by that Area Plan.

#### **34.2.2. Placer County Substitutions**

The Placer County Tahoe Basin Area Plan, Implementing Regulations, Area-Wide Standards and Guidelines, Section 3.07, Parking and Access (January 2017), and as amended, shall apply to the entire portion of Placer County within the Tahoe Region.

#### **34.2.3. City of South Lake Tahoe Substitutions**

The City-Wide Design Standards found in Chapter 6.10 and 6.55 of the City of South Lake Tahoe Municipal Code shall apply to the entire City of South Lake Tahoe, except for the Tourist Core Area Plan and Tahoe Valley Area Plan, where the Development and Design Standards (Appendix C) of the Area Plans shall apply, or until such time as the City-Wide Design Standards are superseded by a newly approved Area Plan or Area Plans.

#### **34.2.4. Washoe County Substitutions**

*Tahoe Area Plan Design Standards and Guidelines*, May 2021, shall apply to the Crystal Bay Tourist, Incline Village Commercial, Incline Village Tourist, and Ponderosa Ranch districts.

#### **34.2.5. El Dorado County**

The *Meyers Area Plan Design Standards and Guidelines*, February 2017, shall apply to the Meyers Area Plan. Any additional approved Area Plans that include Design Standards and Guidelines may also be substituted in those locations covered by the Area Plan.

### **34.3. DRIVEWAYS**

To ensure organized and well-designed ingress and egress of vehicles from driveways, TRPA shall review the design of driveways according to the standards and procedures in this section.

#### **34.3.1. Compliance Program**

The standards set forth in subsections 34.3.2 through 34.3.5, inclusive, shall be conditions of approval for projects with driveways, and for projects for which TRPA finds that the driveways are not in compliance with the standards set forth in subsections 34.3.2 through 34.3.5, inclusive, and are causing significant adverse impacts on traffic, transportation, air quality, water quality, or safety. If TRPA finds that driveways associated with existing development are causing such impacts, TRPA may implement corrective measures pursuant to Section 5.12 Remedial Action Plans.

#### **34.3.2. General Standards**

Driveways shall comply with the following standards:

##### **A. New Driveways**

New driveways shall be designed and located so as to cause the least adverse impacts on traffic, transportation, air quality, water quality, and safety.

**B. Shared Driveways**

In the application of subsections 34.3.3 through 34.3.5, inclusive, TRPA shall encourage shared driveways if TRPA finds that the effect is equal or superior to the effect of separate driveways.

**C. Role of Community Plans**

Approved community plans may replace the standards in subsections 34.3.3 through 34.3.5, inclusive, with alternative specific provisions, provided such provisions are more appropriate to the situation and provide equal or superior measures to satisfy the environmental thresholds. See also subparagraph 12.6.3.C.

**D. Standards of Caltrans and Nevada Department of Transportation**

On state and federal highways, the ingress/egress standards of the California or Nevada Department of Transportation shall apply, as appropriate, in addition to the standards in subsections 34.3.3 through 34.3.5, inclusive. Where the state standards conflict with subsections 34.3.3 through 34.3.5, inclusive, the state standards shall control.

**E. Slope of Driveways**

Slopes of driveways shall not exceed the standards of the county or city in whose jurisdiction the driveway is located. Driveways shall not exceed ten percent slope, unless TRPA finds that construction of a driveway with a ten percent or less slope would require excessive excavation and that the runoff from a steeper driveway shall be infiltrated as required in Section 60.4. In no case shall the driveway exceed 15 percent slope.

**F. Best Management Practices**

Driveways shall be managed in accordance with Section 60.4.

**34.3.3. Numbers of Driveways**

Projects generating up to 1,300 vehicle miles travelled shall be served by a single driveway with no more than two points of ingress/egress from the public right-of-way or other access road. Additional or transferred development that generates more than 1,300 vehicle miles travelled shall conform to the ingress/egress provisions necessary to mitigate all transportation and air quality impacts under subsection 65.2.4.

#### 34.3.4. Width of Driveways

Driveway widths shall conform to the following standards:

##### A. Other Residential Uses

Two-way driveways serving residential uses other than single-family homes shall have a minimum width of 20 feet and a maximum width of 24 feet. One-way driveways serving other residential uses shall have a minimum width of ten feet and maximum width of 12 feet.

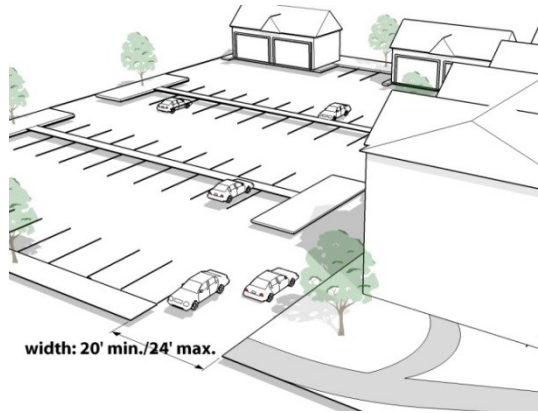


Figure 34.3.4-A: Example Width of Driveway For Other Residential Uses

##### B. Commercial, Tourist Accommodation, Recreation, and Public Service Uses

Two-way driveways serving commercial, tourist accommodation, recreation, and public service uses shall have a minimum width of 20 feet and a maximum width of 30 feet. One-way driveways serving such uses shall have a minimum width of ten feet and a maximum width of 15 feet. For two-way driveways with median dividers serving such development, each direction shall have a minimum width of ten feet and a maximum width of 17 feet.

#### 34.3.5. Service Drives

Uses other than single-family homes that do not require vehicle miles travelled (VMT) analysis pursuant to subparagraph **Error! Reference source not found.65.2.3.D.2** may be permitted an additional service driveway for maintenance and garbage removal. The service driveway shall be at least ten feet wide and no more than 12 feet wide. Uses that do require VMT analysis pursuant to subparagraph **Error! Reference source not found.65.2.3.D.2** may be permitted an additional service driveway or driveways for maintenance and garbage removal provided the transportation and air quality impacts of such driveways shall be mitigated under subsection 65.2.4.

### 34.4. PARKING

{Reserved}

#### 34.4.1 Parking for Deed-Restricted Affordable, Moderate, or Achievable Housing

No vehicle parking minimums shall apply to residential or mixed-use developments made up of 100 percent deed-restricted affordable, moderate, or achievable housing units, as described in subsection 36.13 if located within a Town Center, Regional Center, or High-Density Tourist District as defined in the Regional Plan. Outside of centers, parking minimums shall be no greater than .75 spaces per unit, on average. In either case, in order to deviate from existing local parking minimums, the project applicant shall demonstrate that parking demand generated by the project, as determined by a parking analysis or information from similarly situated projects, will be accommodated. The applicant may demonstrate compliance through parking management strategies, including but not limited to executed shared parking agreements, unbundling parking

and rent, or contributing to alternative transportation methods. Mixed-use projects shall meet local parking requirements for the non-residential portion of the development.

## CHAPTER 36: DESIGN STANDARDS

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### 36.1. PURPOSE

The purpose of this chapter is to ensure that projects are designed and constructed consistent with the Community Design Subelement of the Land Use Element and related elements of the Goals and Policies.

### 36.2. APPLICABILITY

#### 36.2.1. General

All projects shall comply with the standards set forth in this chapter, except as noted below. In addition, exempt activities, as identified in Chapter 2: *Applicability of the Code of Ordinances*, shall comply with Sections 36.6 (*Building Design Standards*), 36.9 (*Water Conservation Standards*), and 36.10 (*Standards for Combustion Appliances*).

#### 36.2.2. Substitute Standards

TRPA may adopt equal or superior substitute design standards pursuant to an Area Plan, community plan, redevelopment plan, specific plan, or master plan. Substitute design standards shall not apply to the review procedures and standards for projects in the shoreland. Appropriate provisions of TRPA's Design Review Guidelines and Scenic Quality Improvement Program may be considered as conditions of project approval. Substitute standards adopted by TRPA are listed below.

##### A. Douglas County Substitutions

The *Douglas County Community Plans, Design Standards and Guidelines*, August 1993, shall apply within the Round Hill Community Plan. The Douglas County South Shore Design Standards and Guidelines (August 2013) shall apply within the South Shore Area Plan.

##### B. Placer County Substitutions

The Placer County Tahoe Basin Area Plan, Implementing Regulations, Area-Wide Standards and Guidelines (January 2017), and as amended, shall apply to the entire portion of Placer County within the Tahoe Region.

**C. City of South Lake Tahoe Substitutions**

The *City of South Lake Tahoe Standards and Guidelines for Design, Signage, Parking, Driveway, and Loading Spaces*, June 1994, shall apply to the entire City of South Lake Tahoe, except for the Tourist Core Area Plan and Tahoe Valley Area Plan, where the Development and Design Standards (Appendix C) of the Area Plans shall apply.

**D. Washoe County Substitutions**

The *Tahoe Area Plan Design Standards and Guidelines*, May 2021, shall apply to the Crystal Bay Tourist, Incline Village Commercial, Incline Village Tourist, and Ponderosa Ranch districts.

**36.3. DESIGN REVIEW GUIDELINES**

Design and site planning methods and techniques shall be set forth in the *Design Review Guidelines*, except that Design Standards and Guidelines for the Meyers Area Plan are set forth in the adopted Meyers Area Plan.

**36.4. SCENIC QUALITY IMPROVEMENT PROGRAM**

Additional design guidelines applicable to specific areas shall be set forth in a document called the Scenic Quality Improvement Program. Provisions of that program shall be required by TRPA, as appropriate, as conditions of project approval.

**36.5. SITE DESIGN STANDARDS**

**36.5.1. General Standards**

- A.** Existing natural features outside of the building site shall be retained and incorporated into the site design to the greatest extent feasible. Projects shall be designed to avoid disturbance to rock outcrops and stream environment zones and to minimize vegetation removal and maintain the natural slope of the project site and be consistent with Section 36.12.
- B.** Projects shall be designed to use existing disturbed areas rather than undisturbed areas for the siting of all improvements except when:
  - 1.** The disturbed area is precluded from development by setbacks or other such limitations;
  - 2.** The disturbed lands are classified as sensitive lands and alternative sites classified as nonsensitive lands exist on the parcel;
  - 3.** The use of the disturbed lands would require more total disturbance than use of undisturbed lands;

4. Avoidance of other development impacts are of more importance than the preservation of undisturbed areas; and/or
5. The degree of existing disturbance is minor and the area shall be restored as part of the project.

**36.5.2. Standards for Commercial, Tourist Accommodation, Public Service, and Multi-Residential Projects**

In addition to the other standards in this section, the standards for commercial, tourist accommodation, public service, and multi-residential projects shall be:

- A. Onsite parking areas shall be provided with landscaped perimeters. Onsite parking areas greater than one-quarter acre in size shall be provided with landscaped islands designed in accordance with TRPA's Design Review Guidelines;
- B. An active transportation circulation system shall be incorporated into the site plan to assure that all active transportation users can move safely and easily both on the site and between properties and activities within the neighborhood year-round.
- C. Adequate access shall be provided for emergency vehicles and for those persons attempting to render emergency services;
- D. Screening of service yards, maintenance yards, warehousing, outdoor storage and trash and refuse collection areas shall be accomplished by the use of walls, fencing, landscape plantings, or some combination thereof. Screening shall be effective in both winter and summer; and
- E. Service yards, maintenance yards, warehousing, and outdoor storage areas shall be located in areas that are not highly visible from major transportation corridors, scenic turnouts, public recreation areas, or the waters of lakes in the region.

**36.5.3. Standards for Snow Storage**

The standards for snow storage shall be:

- A. Parking areas shall be sloped at least two percent to prevent ponding and icing; and
- B. Commercial, tourist accommodation, public service, recreation and multi-residential projects shall provide, within the project area, snow storage areas of a size adequate to store snow removed from parking, driveway and pedestrian



Figure 36.5.2-B: Example of Refuse Area Screening

Figure 36.5.2-A: Example of Landscaped Perimeters



access areas or have arrangements by means of recorded easements or equivalent arrangements to remove and store accumulated snow offsite.

#### **36.5.4. Setback Standards**

The setback standards shall be:

- A.** For parcels abutting roadways rated in TRPA's Scenic Resources Inventory, the minimum building setback from the right-of-way of such roadways shall be 20 feet.
  - 1.** Decks (except decks for off street parking), stairs, canopies, building, or roof overhangs shall not intrude into the 20-foot setback established in this subparagraph.
  - 2.** TRPA may approve building setbacks less than 20 feet if the reduced setback is approved by the appropriate local jurisdiction and TRPA finds that the project shall not cause a decrease in the numerical ratings assigned to the roadway unit, including the scenic quality rating of the individual resources within each unit, as recorded in the 1982 Scenic Resources Inventory and shown in Tables 13-3 and 13-8 of the *Study Report for the Establishment of Environmental Threshold Carrying Capacities*, October 1982. The criteria for rating scenic quality as identified in the study report cited herein shall be used to determine if a project will cause a decrease in the numerical rating.
- B.** Buildings, other structures, and land coverage shall be set back from SEZs in accordance with Chapter 53: *Individual Parcel Evaluation System*.
- C.** Other setback requirements are set forth in Section 33.3: *Grading Standards*.

#### **36.5.5. Bicycle and Pedestrian Facility Maintenance Plan**

Entities responsible for the construction and maintenance of all projects containing active transportation facilities are required to submit a Maintenance Responsibilities Chart and Plan prior to permit issuance. These plans must clearly identify responsibilities for capital improvements and annual infrastructure operation and maintenance, and identify funding needs and sources. This information must be included in approved permits. TRPA shall make a Maintenance Responsibilities Chart and Plan Template available to applicants and all members of the public.

### **36.6. BUILDING DESIGN STANDARDS**

#### **36.6.1. General Standards**

##### **A. Screening Elements**

The architectural design of a project shall include elements that screen from public view all external mechanical equipment, including refuse enclosures, electrical transformer pads and vaults, satellite receiving disks, communication equipment, and utility hardware on roofs, buildings, or the ground.

**B. Roof Finishes and Colors**

Roofs, including mechanical equipment and skylights, shall be constructed of non-glare finishes and earthtone colors that minimize reflectivity. For this subparagraph, non-glare earthtone colors are defined as Munsell® Colors set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines, that have a value and chroma of 0-4 or other color systems that are equivalent to the adopted hues, values, and chromas of Appendix G. Vegetated roof materials complying with applicable fire defensible space requirements meet the intent of this subparagraph and are encouraged.

**C. Alternative Energy Production**

Solar panels or other alternative energy equipment may be exempted from the requirements of 36.6.1.A and B if a project level assessment demonstrates that scenic threshold standards will not be adversely impacted.

**D. Color of Structures**

1. For all structures visible from the Scenic Threshold Travel Routes and from Public Recreation Area and Bicycle Trails identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation, subdued colors of earthtone ranges shall be used for the primary color of structures.
2. Colors shall be within a range of natural colors that blend, rather than contrast, with the existing backdrop vegetation and soils color.
3. For this subparagraph, earthtone colors shall be medium to dark and shall meet the Munsell® Colors set forth in Appendix G, TRPA Approved Earthtone Colors, of the Design Review Guidelines or other color systems that are equivalent to the adopted hues, values, and chromas of Appendix G.
4. TRPA may grant exceptions to this provision pursuant to Section 67.7, for scenic roadway corridors designated as urban, for unique situations such as site characteristics, or as set forth in subparagraph 83.11.1. Structures in the shoreland that were constructed prior to January 1, 1950, may maintain their historic colors when doing exempt maintenance and repair.

**36.6.2. Building Heights**

See Chapter 37: *Height*, for building height standards.

**36.7. LANDSCAPING STANDARDS**

**36.7.1. Plant Species Permitted**

Plant species on the TRPA Recommended Native and Adapted Plant List shall be used for lawns and landscaping.

**36.7.2. Minimum Plant Sizes and Spacing**

For projects other than single-family home projects, the following sizes and spacing shall be required for woody plant materials at time of planting in compliance with state and local defensible space requirements:

- A. Trees shall be a minimum six feet tall or one-inch caliper size or diameter at breast height;
- B. Shrubs shall be a minimum three-gallon pot size, such that upright shrubs shall have a minimum height of 18 inches and minimum spread of 18 inches, and spreading shrubs shall have a minimum spread of 18 to 24 inches; and
- C. Groundcovers shall be a minimum four-inch pot size or one gallon container and shall be a maximum 24 inches on center spacing.

### **36.7.3. Accent Vegetation**

Plant species not found on the TRPA Recommended Native and Adapted Plant List may be used for landscaping as accent plantings. Such plants shall be limited to borders, entryways, flower-beds, and other similar locations to provide accents to the overall native or adapted landscape design. Species identified as invasive plant species in the TRPA BMP Handbook shall never be used.

## **36.8. EXTERIOR LIGHTING STANDARDS**

### **36.8.1. General Standards**

- A. Exterior lights shall not blink, flash, or change intensity. String lights, building or roofline tube lighting, reflective, or luminescent wall surfaces are prohibited.
- B. Exterior lighting shall not be attached to trees except for the Christmas season.
- C. Parking lot, walkway, and building lights shall be directed downward.
- D. Fixture mounting height shall be appropriate to the purpose. The height shall not exceed the limitations set forth in Chapter 37.
- E. **Outdoor Lighting.**
  - 1. Outdoor lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display.
  - 2. 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 E.3, below.
  - 3. 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.
- F. The commercial operation of searchlights for advertising or any other purpose is prohibited.

- G. 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*.

### **36.9. WATER CONSERVATION STANDARDS**

The following appliances and fixtures shall be installed in new facilities or when replaced in existing facilities: low-flow flush toilets; low-flow showerheads (3 gpm rated maximum flow); faucet aerators; and water-efficient appliance (e.g., washing machines and dishwashers).

### **36.10. STANDARDS FOR COMBUSTION APPLIANCES**

All natural gas, oil, or propane-fired water heaters and space heaters, and all wood heaters, installed within the region in new facilities, or when replaced in existing facilities, shall meet the standards set forth in Section 65.1: *Air Quality Control*.

### **36.11. OUTDOOR ADVERTISING**

The standards for outdoor advertising are set forth in Chapter 38: *Signs*.

### **36.12. SOIL AND VEGETATION PROTECTION DURING CONSTRUCTION**

To reduce soil disturbance and damage to vegetation, the area of disturbance during the construction of a structure shall be limited to the area between the footprint of the building and the public road. For the remainder of the site the disturbance area shall not exceed 12 feet from the footprint of the structure, parking area, or cut/fill slope. These limits shall be shown on the submitted plan. For structures not adjacent to a public road access, reasonable construction and staging area shall be identified. These limits shall be fenced according to Section 33.6. Exceptions require prior TRPA approval and may include:

- A. When it is demonstrated that equipment will need to access an area;
- B. When other site characteristics require a larger area, such as rock outcrops and topography;
- C. When a landscaping or utility plan clearly demonstrates the need for soil disturbance beyond the 12-foot boundary; or
- D. Storage of construction materials in areas of existing disturbed lands.

### **36.13. MIXED-USE WITH AFFORDABLE, MODERATE, AND ACHIEVABLE HOUSING**

- A. Mixed-use developments with a residential component that is 100 percent deed-restricted as affordable, moderate, or achievable housing and utilizes bonus units shall be subject to the coverage and height standards for affordable, moderate, and achievable housing set forth in sections 13.5.3.I, 30.4.2.B.5, 30.4.2.B.6, 31.4.1.C, and 37.5.5, respectively, provided the

commercial component is no greater than fifty percent of the total development square footage.

**B. Mixed-use developments shall meet the definition of mixed-use in Chapter 90 and the following design standards:**

- a. Mixed-use developments accommodate pedestrian-oriented non-residential uses on the ground floor street frontage at a minimum average depth of 40 feet and a minimum depth of 25 feet covering a minimum of 60 percent of the ground floor area;
- b. Parking and vehicle access shall be designed to limit conflict with pedestrian circulation along the ground floor frontage;
- c. 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.

## CHAPTER 37: HEIGHT

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### 37.1. PURPOSE

This chapter establishes height standards to ensure visually compatible development as required under Goal 2, Policy 1.B, of the Community Design Subelement, Land Use Element, of the Goals and Policies. “Visual compatibility” is determined by compliance with the requirements of this chapter.

### 37.2. APPLICABILITY

Except for structures located lakeward of high water, which are regulated under the Shorezone division of this Code (Chapters 80 through 86), and signs, which are regulated under Chapter 38: *Signs*, all buildings and other structures shall comply with the height standards set forth in this chapter.

### 37.3. DEFINITIONS

For purposes of this chapter, the following terms are defined:

#### 37.3.1. Height

The height of a building, or building segment pursuant to Subparagraph [Error! Reference source not found.37.4.2.A](#), is the difference between the point of lowest natural ground elevation along an exterior wall of the building, or building segment pursuant to Subparagraph [Error! Reference source not found.37.4.2.A](#), and the elevation of the coping of the highest flat roof, the highest point of a mansard roof or the ridge of the highest hip, gable, gambrel, shed or other pitched roof, whichever is highest (see Figure 37.3.1-A below). The maximum height of a structure other than a building is the difference between the point of lowest natural ground elevation along the exterior foundation of the structure and the elevation of the highest point of the structure. Maximum height for buildings in Special Projects within adopted Ski Area Master Plans shall be measured as provided in subsection 37.5.9.

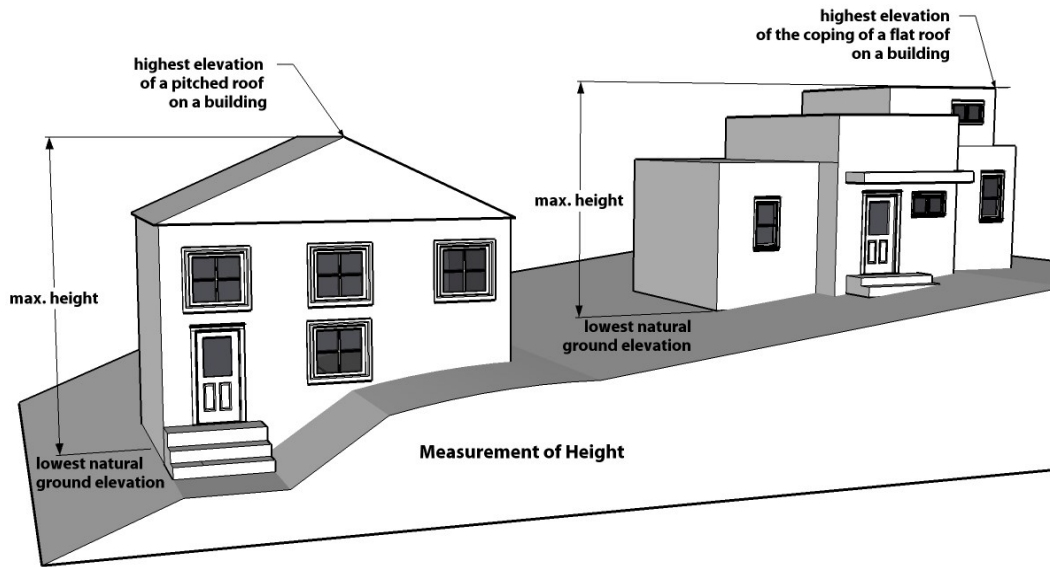


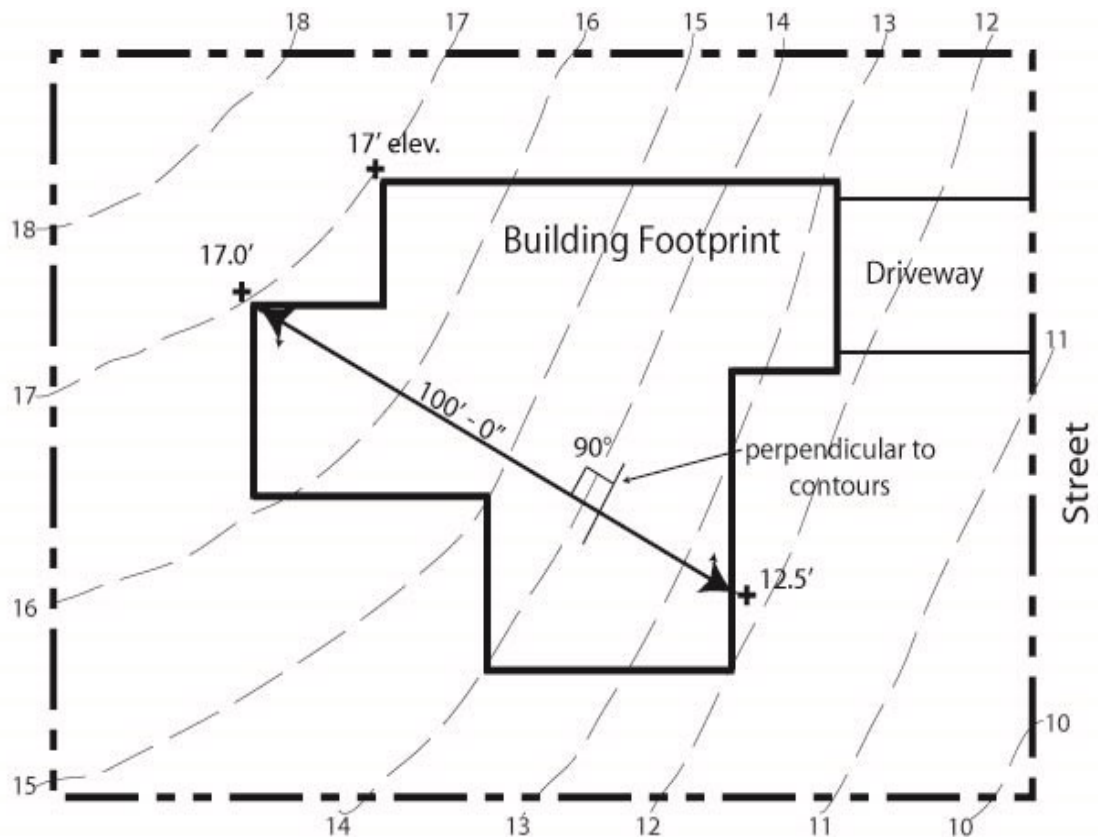
Figure 37.3.1-A: Measurement of Height

### 37.3.2. Natural Ground Elevation

The natural ground elevation is the elevation of the existing ground surface prior to any disturbance of the site resulting from construction of the proposed improvements.

### 37.3.3. Percent Cross Slope Retained Across Building Site

The percent cross slope shall be the gradient, in percent, of the terrain measured perpendicular to the contours through the middle of the building site (see Figure 37.3.3-A). The building site shall include all that area counted as land coverage associated with each detached building. The cross slope shall be considered retained across the building site only if TRPA finds that the building complies with the limitations on excavation set forth in subsection 33.3.6. Percentages of cross slope shall be rounded to the nearest even percentage.



### Cross Slope Calculation

$$(17.0' - 12.5') \div 100' - 0'' = \mathbf{4.5\%}$$

Figure 37.3.3-A: Measurement of Height

#### 37.3.4. Roof Pitch

- A. Buildings with a single roof pitch shall not exceed the maximum height permitted in Section 37.4.
- B. For buildings with multiple roof pitches, maximum height shall be determined as follows:
  1. A roof pitch that constitutes more than 50 percent of the total roof area shall be the majority roof pitch used to determine maximum height in accordance with Section 37.4. The remaining roofs, if of a shallower pitch, may be constructed up to the maximum height based on the majority roof pitch. Portions of the roof which have a steeper pitch than the majority roof pitch, may be constructed up to the maximum height permitted for that roof pitch.
  2. When no roof pitch constitutes more than 50 percent of the total roof area, all roofs must independently conform to the maximum height for that roof pitch in accordance with Section 37.4.



- C. Height measurements for each roof pitch shall be taken from the same lowest natural ground elevation for the building; or for each building segment established in accordance with Section 37.4.2.

## 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**,

**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 provisions of subsection 37.4.1 may be modified 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 (the building segment closest to the street providing primary access to the building) shall not exceed 28 feet in height, including any additional height approved under Section 37.5; 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.
- D.** When building segments are used for maximum height calculations, the ground slope and roof pitch calculations shall be completed separately for each building segment as if it was a separate building.
- E.** Building segments shall be consistent with all of the following standards.
  - 1.** Segment boundaries shall correspond with structural elements of the building such as support walls or distinct roof planes.
  - 2.** Segments shall have 120 square feet or more covered by a roof.
  - 3.** Segments shall be at least one story in height.

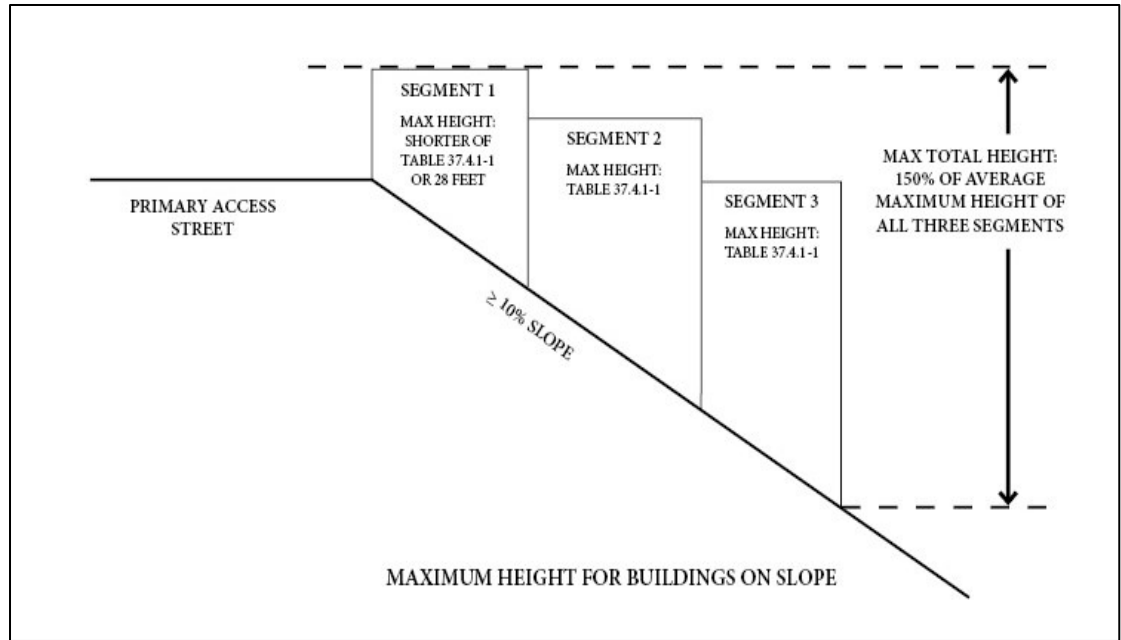


Figure 37.4.2-A: Maximum Height for Buildings on Slope

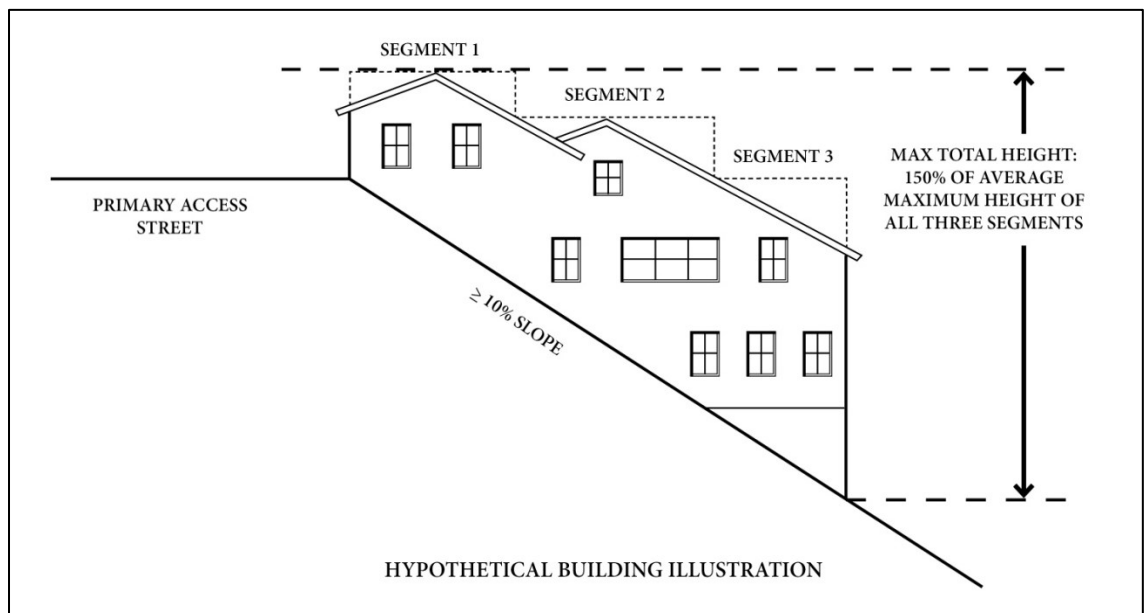


Figure 37.4.2-B: Hypothetical Building Illustration

### 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.

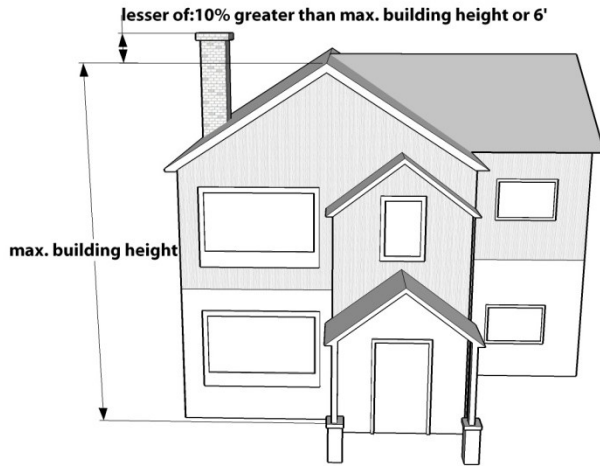


Figure 37.4.2-A: Example Chimney Exception Measurement

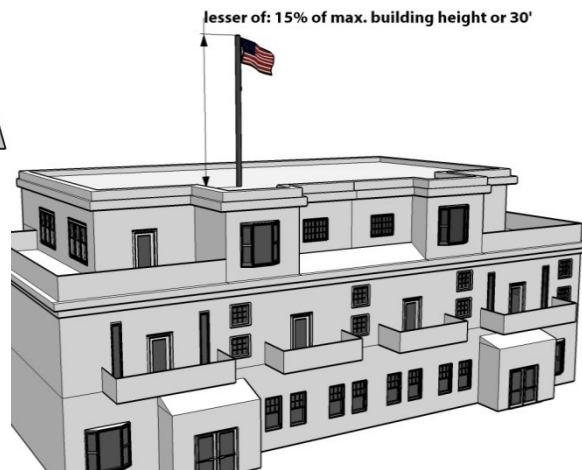


Figure 37.4.2-B: Example Flagpole Exception Measurement

**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 up to 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 26 feet, up to the maximums 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:

**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 Section 66.2: *Establishment of Scenic Highway Corridors*, 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 Section 66.2.

**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 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* (prior to December 12, 2012, amendments) and shall not be eligible for additional building height under the provisions of this subsection. Applicable provisions of Chapter 13 (Redevelopment Plans) that were in effect prior to December 12, 2012, shall remain in effect for the South Tahoe Redevelopment Demonstration Project No. 1 until superseded by the adoption of a Conforming Area Plan;
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:

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

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:

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

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.

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.

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.

**37.5.5. Additional Building Height for Affordable, Moderate, or Achievable 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.~~

A. Residential and mixed-use projects that are 100% deed-restricted to affordable, moderate, or achievable as described in subsection 36.13 and utilize bonus units may have additional building height, up to the maximum for the slope of the building site set forth in Table 37.4.4-1, with a roof pitch greater than or equal to 3:12, provided the applicants makes findings 1, 2, and 8 as set forth in Section 37.7; or

B. Residential and mixed-use projects that are 100% deed-restricted to affordable, moderate, or achievable, as described in subsection 36.13, utilize bonus units, and are located on a parcel that is within 500 feet and adjacent and contiguous to a center may have an additional 11 feet above what is permissible in Table 37.4.4-1, provided the additional height is stepped back one foot for each additional foot of height, the building is designed to minimize shade on adjacent roads and structures between 10:00am and 2:00pm on December 21, as demonstrated in a shade analysis, and TRPA makes findings 1, 2, 3, 8, and 14, and 18 as set forth in Section 37.7. The project shall incorporate community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors consistent with the Design Review Guidelines.

**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 was set forth in Chapter 13: *Redevelopment Plans* (prior to December 12, 2012, amendments). Prior to adoption of a Conforming Area Plan for the South Lake Tahoe Redevelopment Area,

applicable provisions of Chapter 13 (Redevelopment Plans) that were in effect prior to December 12, 2012, shall remain in effect.

**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.

**B. 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**

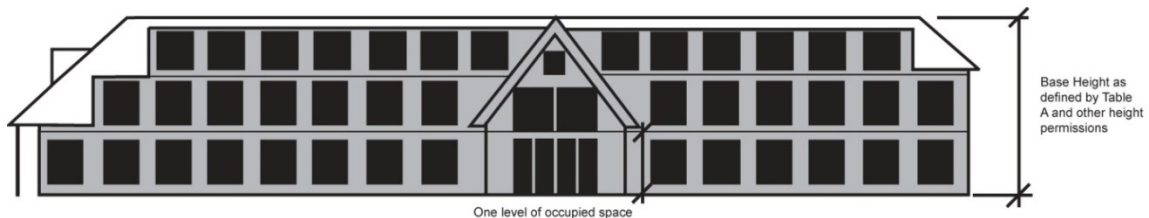
For each irrevocable commitment, the project applicant shall demonstrate, and TRPA shall find, sufficient evidence of intent and ability to complete development of the public benefit set forth in subparagraphs 37.7.15.F, G, and H.

**37.5.8. Additional Height for Tourist Accommodation Buildings Containing 50 or More Units within Special Area 1 of the South Shore Area Plan**

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, that contain 50 or more units, and that are located within Special Area #1 as shown on the Record of Survey Map for Park Cattle Company recorded in the official Records of Douglas County (Document No. 34529). The maximum heights specified in Table 37.4.1-1 may be increased up to a maximum height of 60 feet in accordance with the following provisions, if TRPA makes the findings 1, 2, 3, and 5 in Section 37.7.

**A. General Requirements**

1. The maximum height is 60 feet or three-fourths of the maximum height of the tallest trees within the immediate proximity of the proposed project, whichever is lower. Determination of the tallest tree within the project area shall be based on a tree survey provided by the applicant.
2. The area proposed for additional height shall not be located within the shoreland as defined by Chapter 90.
3. The project shall not cause a decrease in numerical ratings assigned to scenic travel routes or identified scenic resources pursuant to Section 66.1.
4. Additional height may be permitted for architectural roof features that incorporate community design features such as gable roofs, hip roofs, pitched roofs, articulated roof planes and dormers as follows:
  - a. A maximum of four additional feet may be permitted to extend and articulate roofs; and
  - b. A maximum of ten additional feet may be permitted to incorporate 6:12 or greater pitched roof if the roof does not exceed 15 percent of the total roof area when viewed in plan view; and
  - c. A maximum of 20 feet may be permitted, but not to exceed a total building height of 60 feet, to incorporate 6:12 or greater pitched roof if the roof does not exceed 5 percent of the total roof area when viewed in plan view.



**Figure 37.5.8-A: Existing Building Form Conforming to Base Height Limit**

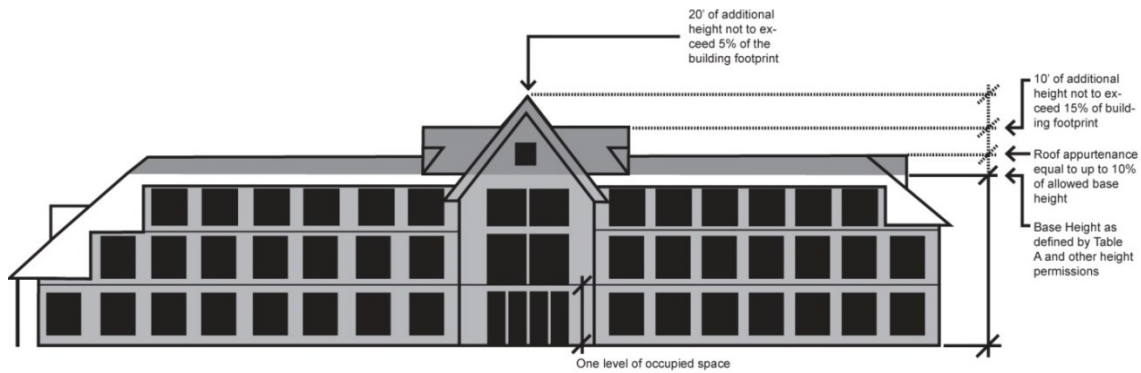


Figure 37.5.8-B: Application of the Additional Height for Design Improvement Limit

### 37.5.9. Additional Height for Special Projects within a Ski Area Master Plan

#### A. General

TRPA may designate additional height for special projects that are located within a TRPA approved Ski Area Master Plan, and are designated through Resolution 2008-11 to be Special Projects pursuant to TRPA Code subparagraph 50.6.4.D as specified below.

#### B. Maximum Height

The maximum height is 77 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.

#### C. Findings for Additional Height

Additional height may be specified within a Ski Area Master Plan subject to the following requirements:

1. 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.
2. Existing verified land coverage otherwise permissible within the Ski Area Master Plan pursuant to the Regional Plan shall be reduced by a minimum of 10 percent and permanently retired per TRPA guidelines.
3. In order to implement pedestrian/transit oriented development (PTOD), the project shall, at a minimum:
  - a. Satisfy the factors outlined in subparagraphs 11.8.4.C.1.a to e in subparagraph 11.8.4.C; and
  - b. Include and integrate major transit facilities, sidewalks, bike lanes and associated facilities; and

- c. 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; and
- d. Provide alternative parking strategies (which may include shared parking, parking structures, underground parking); and
- e. Be a mixed use development; and
- f. Orient building facades to the street; and
- g. Implement landscaping and hardscaping that enhance the scenic quality of the area and whenever possible, improve the scenic ratings per the adopted Scenic Quality Improvement Program and Technical Appendices (SQIP). This shall include improvements that:

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; and

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

Provide appropriate screening for any street level parking areas by balancing the need to screen vehicles from view and provide a safe pedestrian environment.

New structures requesting additional height along State Route 89 shall be set back from the travel route edge of pavement a minimum of 30 feet and stair-stepped upslope, providing a transition of height across the site. 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 30 feet from the State Route 89 edge of pavement is 45 feet.
- (2) The maximum permissible height for structures with a minimum set back of 150 feet from the State Route 89 edge of pavement is 55 feet.
- (3) The maximum permissible height for structures at the North Base with a minimum set back of 225 feet up to a maximum distance of 675 feet from the State Route 89 edge of pavement is 77 feet. The maximum permissible height for structures at the South Base (Tahoe Ski Bowl Way) with a minimum setback of 650 feet up to a maximum distance of 1200 feet from the State Route 89 edge of pavement is 66 feet.

4. The maximum permissible height for structures located at the top of the mid-mountain gondola is 58 feet.
5. The project shall result in an increase in the scenic threshold travel route rating for Roadway Unit 11, Homewood.
6. The project shall retain and treat up to the 50-year one-hour storm utilizing on-site and offsite systems incorporating best available technologies.
7. The project shall implement TRPA designated EIP Projects within the vicinity of the Ski Area Master Plan. The designated EIP projects shall include project number 86 (EIP Project Code 9710-Scenic Road Unit #11 Homewood Improvement), project number 259 (EIP Project Code 9120-Homewood Ski Area BMP), project number 632 (EIP Project Code 9480-Ski Homewood Ski Area Master Plan), project number 725 (EIP Project Code 9140-Homewood Residential), and project number 775 (EIP Project Code 9250-SR Highway 89-Homewood Area Pedestrian Facilities).
8. The project shall implement a program that provides for a range of alternative means of transportation to include, but not be limited to, a dial-a-ride service, a shuttle service, a bicycle bank, and water taxi.
9. Prior to approving additional height, TRPA shall make Findings 1, 3, 6, 8 and 9 of Section 37.7. Note that Finding 6 is proposed for amendment to include a "Ski Area Master Plan."

**D. Security for Improvements**

The project shall ensure the public benefit(s) set forth in subparagraphs 37.5.9.C.6, 7 and 8 are implemented consistent with the following provisions:

1. **Project Approval**  
TRPA shall require, as a condition of approval, of any project which relies on the use of an additional height provision provided in subsection 37.5.9 that all necessary permits for development of the public benefits set forth in subparagraphs 37.5.9.C.6, 7 and 8 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 which relies on the use of an additional height provision provided in subsection 37.5.9, the project applicant shall demonstrate, and TRPA shall find, for each project, that irrevocable commitments to fund the public benefit set forth in subparagraphs 37.5.9.C.6, 7 and 8 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 37.5.9.C.6, 7 and 8.



## **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, wind turbines/renewable power facilities, 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.

## **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 or Ski Area Master 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.

**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.
- 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 subparagraph 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 Improvement 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:

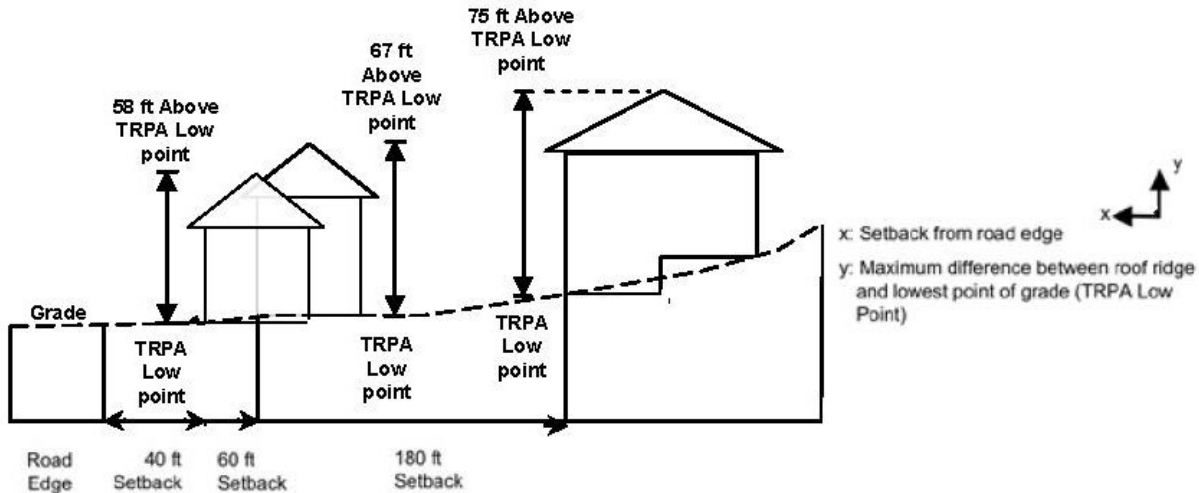


Figure 37.7.15-A: Setback Measurement on State Route 28

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.
  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.
- 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.

**37.7.18. Finding 18 (Affordable, Moderate, and Achievable Housing)**

- B.** The project is exempt from the density maximums per section 31.4.1.A and the parking minimums per Section 34.4.1, unless an area plan specifies that alternative standards per Section 13.5.3.I.C.1.

**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;
- C. The existing use is a permissible use in the local plan;
- D. The existing building was legally existing prior to May 26, 1996; and
- E. The addition is no more than one story.

## **CHAPTER 52: BONUS UNIT INCENTIVE PROGRAM**

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### **52.1. PURPOSE**

This chapter sets forth provisions for assigning residential bonus units in accordance with the Regional Plan Goals and Policies in the Land Use Element, Land Use Subelement, Goal 2, Policies 5A and 5B; and in the Implementation Element, Development and Implementation Subelement, Goal #2, Policies 2F and 3, and Goal 3, Policies 1 and 2.

### **52.2. APPLICABILITY**

- A. The assignment of residential bonus units shall comply with the provisions set forth in this chapter. Such assignments shall occur only in conjunction with a project approved by TRPA.
- B. In addition to the bonus units authorized by this chapter, bonus units also may result from the following additional Code provisions:

1. Section 30.6.3: *Onsite Removal and Retirement of Excess Coverage in Town Centers, Regional Centers, or the High-Density Tourist District*;
2. Section ~~Error! Reference source not found.51.5.1.C.3~~: *Transfer of Potential Residential Units of Use to Centers*; and
3. Section ~~Error! Reference source not found.51.5.3~~: *Transfer of Existing Development to Centers*.

## **52.3. RESIDENTIAL INCENTIVE PROGRAM**

### **52.3.1. Assignment of Bonus Units**

A maximum of 1,400 residential bonus units may be approved by TRPA pursuant to this section. Residential bonus units may be made available to affordable, moderate, and achievable-income single and multi-family housing projects subject to the criteria in subsection 52.3.4 below. Five hundred and sixty-two (562) of the 1,124, or one half of the remaining as of December 24, 2018, residential bonus units from the TRPA pool, whichever is less, shall be used for affordable housing units; the remaining 562, or one half of the remaining, residential bonus units from the TRPA pool, whichever is less, may be used for moderate or achievable housing units.

### **52.3.2. Criteria**

All projects receiving multi-residential bonus units shall comply with the following criteria:

- A. The proposed density, including any multi-residential bonus units, shall not exceed the maximum density limits set forth in the area plan, plan area statement, applicable community or redevelopment plan, or this Code; and
- B. When bonus units will be used for a multi-family dwelling, multi-residential uses shall be designated in the area plan, plan area, or community plan as an allowed use, or a special use for which the findings required in Section 21.2 have been made.
- C. Except for affordable, moderate income, or achievable housing units as defined in Chapter 90: *Definitions*, an allocation shall be required pursuant to Chapter 50: *Allocation of Development*, in order to use multi-residential bonus units.

### **52.3.3. Determination of the Number of Multi-Residential Bonus Units**

#### **A. Determination of Project Score**

Applications for projects proposing to use multi-residential bonus units shall include a list and description of all mitigation measures identified in Table 52.3.3-1 that are proposed as part of the project. Based on a review of the mitigation measures proposed, TRPA shall determine a score for the project in accordance with Table 52.3.3-1. A maximum of one residential bonus unit may be approved for each ten points received by a project.

#### **B. Mitigation Measures**

Projects proposing the use of multi-residential bonus units shall receive a score only when one or more of the mitigation measures in Table 52.3.3-1 are proposed as part



of the project. Any combination of the measures in the table may be proposed. Only those mitigation measures that would not otherwise be required by the Code shall be considered in determining the score received by a project. This subparagraph establishes the maximum number of points that may be awarded for each mitigation measure. If a proposed mitigation measure satisfies the requirements of two or more of the mitigation measures listed below, points shall be awarded based on the mitigation measure resulting in the highest score. The total point score shall be rounded down to a number that is a multiple of ten.

TABLE 52.3.3-1: SCORE FOR MITIGATION MEASURES FOR RESIDENTIAL BONUS UNITS		
Mitigation Measure		Score
Participation in a transportation EIP project (see Chapter 15: <i>Environmental Improvement Program</i> )		(Project cost divided by \$8,000) x 10 points
Participation in a water quality EIP project (see Chapter 15: <i>Environmental Improvement Program</i> )		(Project cost divided by \$8,000) x 10 points
Provision of stream environment zone restoration pursuant to EIP Program (excluding restoration required as mitigation for new SEZ disturbance)		(Project cost divided by \$8,000) x 20 points
Retirement of an undeveloped parcel located in Land Capability Districts 1a, 1b (SEZ), 1c, 2, or 3 (see Chapter 51: <i>Banking, Conversion, and Transfer of Development</i> )	Parcel in 1a, 1c, 2, or 3	10 points per transferred unit
	Parcel in 1b (SEZ)	30 points per transferred unit
Transfer of existing residential unit and retirement of the parcel in accordance with Chapter 51	Parcel in 1a, 1c, 2, or 3	10 points per transferred unit
	Parcel in 1b (SEZ)	40 points per transferred unit
New access to public recreation areas, lakes, streams, or vista points to which access was previously nonexistent		(Project cost divided by \$8,000) x 10 points (maximum 50 points)
Projects proposing less land coverage than the maximum amount otherwise allowed in accordance with Chapter 30: <i>Land Coverage</i>		One point for each such reduction of 600 square feet onsite
Participation in projects identified in the TRPA-approved Scenic Quality Improvement Program and/or the EIP		(Project cost divided by \$8,000) x 10 points

**C. Adjustments to Score**

**1. Projects within a Community Plan**

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

**2. Projects Providing Affordable Employee Housing**

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

**3. Post-1987 Projects Proposing Subdivision of Units**

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

**D. Option to Reserve Residential Bonus Units**

Approved residential bonus units may be reserved for projects based on the proposals submitted prior to project approval to enable applicants to accumulate allocations. Residential bonus units shall be assigned to a parcel and may be reserved as credits, unused, for no more than five years. TRPA may reissue those credits to the same parcel for an additional five years if TRPA finds that the residential bonus units are likely to be used during that period.

**52.3.4. Affordable, Moderate, and Achievable-Income Housing**

All projects receiving a residential bonus unit for affordable, moderate, or achievable housing development as defined in Chapter 90: *Definitions* shall comply with criteria in Section 52.3.4A-F. TRPA shall report to the TRPA Governing Board biennially on the implementation of the residential bonus unit program for affordable, moderate, and achievable housing development. This report shall include, but is not limited to, the number of housing developments and units awarded and constructed bonus units, number of bonus units awarded to and constructed in each income category, number of bonus units awarded to and constructed in single and multi-family housing developments, location of housing developments, and compliance with the program.

- A. Residential bonus units may be awarded to single or multi-family housing developments.
- B. The owner of the parcel, through a deed restriction running with the land, shall restrict the unit for which the bonus unit was awarded from being used as a second home or a vacation rental.
- C. A bonus unit may be used for an accessory dwelling unit as defined by Section 21.3.2, notwithstanding 52.3.4.A above, provided it is consistent with all provisions of the applicable area plan or this Code of Ordinances.
- D. The owner of the parcel, through a deed restriction running with the land, shall limit the unit for which the bonus unit was awarded to the approved use and restrict the occupants' household income to affordable, moderate, or achievable housing limits set forth in Chapter 90: Definitions, depending on the applicable income level for which the bonus unit was awarded. The restriction shall also include the requirement to disclose the restrictions associated with the unit at the time of sale of the unit, the requirement to submit an annual compliance report to TRPA, and the potential to be fined up to \$5,000.00 per day ~~1/10 of the current cost of a residential unit of use annually~~ for failure to submit the compliance report or comply with these requirements.
- E. An owner-occupant of a unit who has provided all required annual compliance reports and who has had an increase in income so that they are no longer eligible for the bonus unit may apply to TRPA and receive an exemption to the income requirement until the unit is sold. The owner must continue to be the occupant, provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine, rent the unit only to an income qualified renter if no longer the occupant, or sell the unit only to an income qualified buyer.

- F. The project awarded a residential bonus unit shall be within ½ mile of a designated Town Center; within ½ mile of an existing transit stop or a transit stop that will be existing concurrent with the completion of the project; or located in an area where multi-family dwellings are an allowed or special use.

#### **52.3.5. Residential Bonus Unit Substitution**

Residential bonus units may be assigned for existing residential units of use in a project area or existing residential units of use that are the result of TAU conversion pursuant to subsection **Error! Reference source not found.51.4** on a unit-for-unit basis, provided that the following conditions are met:

- A. The project area shall be brought up to TRPA development standards applicable for modifications on a project area containing existing development and shall meet scenic quality standards if the project is visible from a roadway travel route, shoreline travel route, or designated recreation site or bike path;
- B. The local jurisdiction shall inspect and certify that each unit remaining in the project area meets its health and safety requirements for residences;
- C. A deed restriction shall be recorded with TRPA and the local jurisdiction ensuring that the units remaining in the project area meet TRPA's affordable or moderate-income, or achievable housing definition and shall be so maintained; and
- D. Any existing units of use not used in the project area are only transferable to multi-residential facilities.

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

##### **A. TRPA Certification**

TRPA may certify by resolution a local government moderate-income housing program upon a finding that the program adequately addresses:

- 1. Housing needs and issues of the jurisdiction pursuant to state standards within an adopted Housing Element; and
- 2. Standards that guide the development of moderate-income housing using the principles of transit-oriented development, including:
  - a. Appropriate proximity to government services;
  - b. Appropriate proximity to commercial and employment centers;
  - c. Appropriate proximity to mass transit opportunities and other alternative modes of transportation; and
  - d. Appropriate residential and commercial densities to facilitate transit use.

**B. Permanent Limitations on Approved Use and Income Limits**

The moderate-income housing program shall, through deed restriction covenant running with the land, limit the project area to the approved use and restrict the occupants' household income to moderate-income housing limits. Moderate-income units are subject to deed restriction for long-term occupancy for at least ten months in each calendar year. Units found not to be in compliance with use, rental and/or sales rates, household income levels, or occupancy requirements as specifically described in the deed restriction running with the land shall not be occupied until the non-complying element of the program is rectified.

**C. Annual Reporting**

Each local jurisdiction with a certified moderate-income housing program shall document, monitor, submit annual reports to TRPA, and enforce the provisions of the deed restrictions. It shall be the responsibility of the local jurisdiction to ensure full compliance with the provisions of the deed restriction.

**52.3.7. Transfer of Allocated Residential Bonus Unit Limitations**

The following limitations apply to transfers of previously allocated Bonus Units:

- A.** Bonus Units transferred shall have been legally established;
- B.** Bonus Units shall remain within the same use category at the time the units were awarded (i.e. residential) and are eligible for conversion per Section 51.4;
- C.** Bonus Units allocated for affordable, moderate-income, and achievable housing development shall meet the same criteria for which the units were awarded (i.e. affordable shall remain affordable, moderate-income shall remain moderate-income shall remain moderate-income).
- D.** Transfers of Bonus Units shall not be permitted for development that has become derelict.

**52.4. DETERMINATION OF PROJECT COST**

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



# CHAPTER 90: DEFINITIONS

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## 90.1. RULES OF INTERPRETATION AND CONSTRUCTION

### 90.1.1. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the purpose and intent set out in Section 1.1.

### 90.1.2. Relationship Between Text and Headings, Illustrations, and Examples

In case of any difference of meaning or implication between the text of this Code and any heading, drawing, table, figure, commentary block, example, or illustration, the text shall control.

### 90.1.3. Examples and Explanations

This Code provides where necessary additional explanation in the form of examples to clarify its intent. These examples are intended solely as a guide for administrative officials and the public to use in interpreting the Code but are not to be construed as official Code interpretations. Such examples often do not demonstrate all applicable Code requirements but instead explain a particular aspect or method of calculation of a Code requirement.

### 90.1.4. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “including” and “such as,” or similar language, are intended to provide examples, not to be exhaustive lists of all possibilities.

### 90.1.5. Technical and Non-Technical Terms

For words that are not defined in this chapter, non-technical words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

### 90.1.6. Computation of Time

References to days are calendar days unless otherwise stated. The time in which an act is to be done shall be computed by excluding the first day and including the last day.

### 90.1.7. References to Other Regulations, Publications, and Documents

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation (as amended), resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

#### **90.1.8. Delegation of Authority**

For any act or duty not reserved for the Governing Board, whenever a provision requiring the head of a department or another officer or employee of the agency to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others.

#### **90.1.9. Public Officials and Agencies**

All public officials, bodies, and agencies to which references are made are those of the Tahoe Regional Planning Agency, unless otherwise indicated.

#### **90.1.10. Mandatory and Discretionary Terms**

The words “shall,” “will,” and “must” are always mandatory. The words “may” and “should” are advisory and discretionary terms.

#### **90.1.11. Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. “And” indicates that all connected items, conditions, provisions, or events apply.
- B. “Or” indicates that one or more of the connected items, conditions, provisions, or events may apply.

#### **90.1.12. Tenses and Plurals**

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

#### **90.1.13. Term Not Defined**

In the event there is a term used in this Code that is not defined in this chapter, the Executive Director shall have the authority to provide a definition based upon the definitions used in accepted sources.

#### **90.1.14. Rounding**

- A. Unless otherwise specified, numbers shall be rounded to the nearest whole number. Fractional numbers .5 or greater are rounded up. Fractional numbers less than .5 are rounded down.
- B. Unless otherwise specified, when standards specify a minimum or maximum limit, those limits shall be the actual limit. The fractional number rounded to the nearest whole number shall not exceed the maximum limit or be less than the minimum limit.
- C. The following rules of rounding apply to land coverage:
  - 1. Round each distinct land coverage category to the nearest square foot.

2. Round disconnected areas of the same land coverage category to the nearest square foot before totaling.
- D. The following rules of rounding apply to height:
1. Calculate natural ground elevation to the nearest inch.
  2. Calculate building height to the nearest inch.
- E. The following rules of rounding apply to development rights and units of use for conversions, banking, etc:
1. CFA shall be rounded to the nearest whole number in square feet.
  2. All other units of use shall be rounded to the nearest one one-hundredth of a unit (0.01).

## 90.2. OTHER TERMS DEFINED

For definitions of uses see Section 21.4 (List of Primary Uses), and Section [Error! Reference source not found.81.5.](#)

### **Abandoned Road**

A road not accessible to traffic due to permanent physical barriers; or, a road that is posted or designated for closure.

### **Accessory Dwelling Unit (ADU)**

Formerly “Secondary Residence”. See subsection 21.3.2

### **Accessory Use**

A use, building, or other facility customarily a part of any primary use that is clearly incidental and secondary to the primary use, that does not change the character or the intensity of the primary use, and that does not operate independent of the primary use. Additional criteria for determining commercial accessory uses for noncommercial primary uses are found in subparagraph 50.6.1.A.2. See subsection 21.3.1 for examples of accessory uses and Section [Error! Reference source not found.81.4](#) for accessory uses in the shorezone.

### **Achievable Housing**

Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents who meet one or more of the following criteria:

1. Have a household income not in excess of 120 percent of the respective county’s area median income (AMI) (moderate income households and below); or



2. At least one occupant of the household works at least 30 hours per week or full-time equivalency for an employer with a business license or tax address within the Tahoe region or Tahoe-Truckee Unified School District (TTUSD), including but not limited to public agencies and not-for-profit employers, and which requires the employee's physical presence within the boundaries of the Tahoe region or TTUSD in order to complete the task or furnish the service for an average of at least 30 hours per week on an annual basis, or seasonal basis for seasonal work. Full-time equivalency may be confirmed by employer; or
3. Is a retired person who has lived in a deed-restricted unit in the Tahoe Basin for more than seven years.

The employment requirement may be waived for accessory dwelling units when the unit is occupied by a family member related by birth, marriage or adoption to the owner of the primary dwelling. TRPA may include asset limits for purchasers of deed-restricted homes.

Achievable housing units shall meet the criteria and restrictions in accordance with Chapter 52: *Bonus Unit Incentive Program*.

Achievable deed-restrictions issued before [the date this code amendment goes into effect] may utilize this definition or the definition of "achievable" described in the recorded deed-restriction language in effect from December 20, 2018 to [the date this code amendment goes into effect].

### **Active Solar Energy System**

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.

### **Active Transportation**

Transportation that does not rely entirely on a car to travel between origin and destination. This can include walking, biking, skateboarding, roller-skating, cross county skiing, using public transit, or driving to an intercept lot, parking, and then using another form of travel.

### **Activity**

Any conduct, active or passive, that may have an impact on the land, air, water, space, or other natural resource of the region.

### **Adaptive Management**

The process of implementing policy (and management) decisions as scientifically driven management experiments and/or monitoring programs that test predictions and assumptions in management plans, and using the resulting information to improve the plans.

### **Adopted Plan**

An adopted community plan, specific plan, or master plan.

### **"Additional" Commercial Floor Area**

See subparagraph 50.6.1.B.

**Additional Development**

Development that did not exist, or was not approved, on the effective date of the Regional Plan. Relocation or reconstruction of development is not additional development.

**Additional Factors**

See subsection 16.3.1.

**“Additional” PAOTs**

See subparagraph 50.9.3.B.

**“Additional” Public Service Facility**

See subsection 50.8.2.

**“Additional” Recreation**

See subsection 50.9.2.

**“Additional” Residential Unit**

See subparagraph 50.5.1.B.

**“Additional” Tourist Accommodation Unit**

See subparagraph 50.7.1.B.

**Adjacent Parcels**

Parcels that are separated by a lot line or are near or close to each other but separated by a right-of-way in such a manner that, if the right-of-way was removed, the boundaries would touch.

**Advisory Planning Commission (APC)**

The Advisory Planning Commission of the Agency as defined in Article III(h) of the Compact.

**Affordable Housing**

Residential housing, deed-restricted to be used exclusively as a residential dwelling by seasonal workers or permanent residents that are lower-income households (income not in excess of 80 percent of the respective county's median income) and very low-income households (not to exceed 50 percent of the respective county's median income). Such housing units shall be made available to individuals whose median income does not exceed the recommended state and federal standards. Each county's median income shall be determined according to the income limits published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development.

**Agency**

The Tahoe Regional Planning Agency, including the Governing Board and staff.

**Agency of Jurisdiction**

As used in Chapter 14: *Specific and Master Plans*, a government agency with responsibility for managing land, such as the Forest Service, the state parks departments, City of South Lake Tahoe, and the California Tahoe Conservancy.

**Allocation**

An apportionment of additional development opportunity for residential, commercial, tourist accommodation, and certain recreational projects.

**Alluvial Soils**

All the following soil types owe their major characteristics to the presence of surface or subsurface water: (a) loamy alluvial land (Lo); (b) elmira loamy coarse sand, wet variant (Ev); (c) celio gravelly loamy coarse sand (Co); (d) marsh (Mh); (e) gravelly alluvial land (Gr); and (f) fill land (Fd).

**Alluvial Soil Type**

All of the following soil types as defined in the United States Department of Agriculture Soil Survey for Lake Tahoe, as identified on Agency maps, or as determined by the Agency to be present in an area: Loam Alluvial land (Lo), Elmira loamy coarse sand, wet variant (Ev), Celio gravelly loamy coarse sand (Co), Marsh (Mh), Gravelly alluvial land (Gr), Fill land (Fd), Seeped soils, and Beaches (Be).

**Alternative Commute Mode**

See subparagraph 65.5.1.B.1.

**Alternative Energy Source**

Energy, such as solar, wind, geothermal, or hydroelectric energy, that can replace or supplement traditional fossil-fuel sources of energy, such as coal, oil, and natural gas.

**Alternative Fuels**

Fuels derived from resources other than petroleum such as ethanol, biodiesel, natural gas, propane and hydrogen.

**Apartment**

A residential complex of two or more residential units under single ownership, usually but not always sharing the same structure, water distribution system, sewer collection system, parking facilities, open space, and recreational amenities.

**Approved Plant Species**

Plants designated by TRPA as acceptable species for use in landscaping and revegetation. Such species are usually but not always indigenous to the region. See also "Plant List."

**Appurtenant Structure**

A fixed structure customarily associated with and attached to a main structure.

**Area Plan**

The package of policies, plans, maps, codes, and ordinances found by TRPA to be in conformity with the Regional Plan under Ch. 13: *Area Plans*. The Memorandum of Understanding (MOU) that is associated with a Conforming Area Plan is not part of the Area Plan. Conforming Area Plans are a part of the Regional Plan.

**Aquatic Invasive Species (AIS)**

A nonindigenous species that threatens the diversity or abundance of the native species or the ecological stability of infested waters, or the commercial, agricultural, aquacultural, or recreational activities dependent on such waters, as identified in the Lake Tahoe Region Aquatic Invasive Species Management Plan. Aquatic Invasive Species include but are not limited to: zebra mussel (*Dreissena polymorpha*),

quagga mussel (*Dreissena bugensis*), Eurasian water milfoil (*Myriophyllum spicatum* L.), curly leaf pond weed (*Potamogeton crispus* L.), and large mouth bass (*Micropterus salmoides*).

**Area of Wave Run-Up**

The area landward of the shoreline that is subjected to wave run-up during high water conditions and an extreme wind event. An extreme wind event is an 80 miles-per-hour onshore wind of one-hour duration.

**Artificial Beach Replenishment**

The importation of materials to maintain an existing beach or to create a new beach.

**Average Peak Use**

The average of the peak usage over a period of time.

**Artificial Islands**

Islands created by man that provide additional land area in a lake or other body of water.

**Average Vehicle Ridership (AVR)**

See subparagraph 65.5.1.B.2.

**Backshore**

The land area located between the highwater line of the lake and the upland area of instability or the wave run-up area.

**Backshore Stability**

The extent to which the backshore resists erosion or mass wasting due to factors such as the presence of naturally occurring existing vegetation, the gradient and geological composition of the backshore, and the absence of structures that may affect stability or disrupt natural littoral processes.

**Bailey Coefficients**

The allowable percentages of land coverage assigned to land capability districts (e.g., one percent in Land Capability Districts 1 and 2; five percent in Land Capability District 3; 20 percent in Land Capability District 4; 25 percent in Land Capability District 5; and 30 percent in Land Capability Districts 6 and 7).

**Bailey Report**

A report written by Dr. Robert G. Bailey, entitled *Land Capability Classification for the Lake Tahoe Basin, A Guide for Planning* (U.S.D.A.1974), which outlines a system of land classification including land capability districts and coverage coefficients.

**Barrier Beach**

An area of shorezone characterized by sandy soil separating a marsh-like lowland from a lake.

**Barrier Wall**

A wall separating lake waters from the shore.

**Base Land Coverage**

The allowable base land coverage as permitted by Chapter 30: *Land Coverage*.

**Basement**

The bottom floor of a building, the excavation for which any portion is greater than five feet below natural grade, measured at the location where the bottom of the excavation meets the foundation wall, exclusive of footing excavation.

**Basic Services**

Paved access roadways, water service, electrical service, and waste water treatment services, as required in Chapter 32: *Basic Services*.

**Basin**

The Tahoe Basin. See also "Region."

**Bathing Facilities**

A shower or bathtub.

**Beach Replenishment**

The artificial placement of large quantities of sand in the shorezone to restore beaches diminished by erosion.

**Best Available Control Technology**

An emission limitation that will achieve the most stringent emission limitation that is achieved in practice by that source.

**Best Available Retrofit Control Technology**

An emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each source.

**Best Management Practices**

Alternative structural and nonstructural practices proven effective in erosion control and management of surface runoff in Lake Tahoe Region.

**Biofuel Facilities**

Facilities that combust or gasify forest and other plant materials in a manner that, in combination with other systems, generates electrical energy for use or distribution or generates heat for distribution within a building or facility. Any heating unit that meets the definition of a wood heater is not considered a biofuel facility.

**BMPs**

See "Best Management Practices."

**BMP Retrofit Implementation Program**

A program that uses BMPs to retrofit existing developed properties to, for example, control and treat stormwater runoff, to protect water and air quality in the Basin.

**Board**

The Governing Body of the TRPA, whose members are appointed pursuant to Article III of the Compact.

**Boat Launching Facility**

Recreational establishment that provides boat launching, parking, and short term trailer storage for the general public. Long term storage, mooring, and maintenance of boats is included under marinas.

**Boat Lift**

A mechanical device whose function is to raise and lower water craft in and out of a body of water for temporary storage. Also includes low level boat lift, boat hoist, and boat saddle.

**Boat Ramp**

A ramp allowing boats to be launched into, or retrieved from, the water.

**Boat Slip**

The portion of a pier or flat where a boat is berthed or moored or used for embarking or disembarking.

**Body of Water**

An area of water, of natural or artificial creation, including but not limited to lakes, harbors, man-made lagoons, reservoirs, ponds, and rivers.

**Bonus Unit**

An additional residential or tourist accommodation unit obtained pursuant to Chapter 52: *Bonus Unit Incentive Program*.

**Breakwater**

A man-made structure that diminishes the force of waves.

**Bridge Span**

A bridge that extends over a particular obstacle to avoid or minimize disturbance to the land or water area over which it passes. The bridge span measurement is the distance between the bridge abutments, excluding the bridge supports between abutments.

**Building**

Any structure designed or used for the support, shelter, or enclosure of persons, animals, or property of any kind.

**Building Envelope**

The area allotted for development of units in a planned individual unit development.

**Building Frontage**

The two-dimensional surface area of a building found within the perimeter bounded by the finished grade line, the cornice line, and exterior side walls in one plane, not including intermediate walls perpendicular to such surface area, and containing a door or other entrance open to the public which faces a street.

**Building Season**

See "Grading Season."

**Building Sign**

Any sign attached to and supported by a wall of a building, or the wall of a structure, including a mansard roof. Any permanent sign placed on or behind glass or within a building and located in such a manner as to have an obvious intent to capture interest of those outside the building shall be considered a building sign and shall be treated in the same manner.

**Building Site**

The portion of a parcel designated for development.

**Buoy**

A float anchored to a lake bottom that serves as a boat mooring, navigation guide, hazard warning, or similar use.

**Bypass Dredging**

Rearranging earthen material within the same body of water without removing the material from the body of water.

**Canopy**

The cover of branches and foliage formed by the crown of adjacent trees and other woody growth. A manmade structure consisting of a suspended covering or roof or similar structure.

**Carpool**

See subparagraph 65.5.1.B.3.

**Carrying Capacity**

See "Environmental Threshold Carrying Capacities."

**Carrying Capacity (Grazing)**

Level or measurement of grazing based on animal unit months (AUM) that a given range can support without adverse impacts.

**Catwalk**

Also referred to as a finger pier. A fixed or floating narrow dock or walkway that provides access to a vessel. A catwalk is an accessory structure to a pier.

**Cellar**

See "Basement."

**Central Furnace**

A self-contained space heater providing for circulation of heated air at pressures other than atmospheric through ducts more than 25 cm (10 inches) in length.

**Center**

A Town Center, Regional Center, or High Density Tourist District.

**Change in Operation**

See subparagraph [Error! Reference source not found. 65.2.3.A.](#)

**Change in Use**

Conversion of a primary use from one use category to another use category as listed in the Table of Primary Uses in Chapter 21: *Permissible Uses* (e.g., service station to professional office).

**Chemical Fertilizer for Lawns**

Synthetically manufactured inorganic substances containing potassium, nitrogen, and phosphorous used to promote lawn growth.

**Child Care Nurseries**

Facilities designed or used for the care for six or more children, with or without compensation.

**Christmas Tree Cultivation**

The planned growth management of trees for sale as Christmas trees.

**Clearing**

See "Grading."

**Coal**

Solid fossil fuels classified as anthracite, bituminous, sub bituminous, or lignite by A.S.T.M. Designation D-388-66.

**Coarse Woody Debris**

Sound and rotting logs that provide habitat for plants, animals, and insects; stabilize soils; and are a source of organic nutrients for soil development. Material is generally greater than 10 centimeters (4 inches) in diameter.

**Code**

The Code of Ordinances.

**Coefficients**

See "Bailey Coefficients."

**Collective Household**

A group of at least two, but not more than six, persons who are unrelated by blood, marriage, or adoption, living together as an independent housekeeping unit.

**Collector**

Device or area that uses the sun's energy to heat domestic water or to heat, cool, or light a living space, including but not limited to space and domestic water heating and cooling system. See also "Solar Collector."

**Combustion Appliance**

A device or appliance that produces heat by internal combustion of fuel, including, without limitation, oil, gas, kerosene, coal, wood, or propane.

**Commencement of Construction**

The pouring of concrete for a foundation, or work of a similar nature upon the permitted structure. Commencement of construction does not include grading, plan preparation, installation of utilities or landscaping.



**Commercial**

The retail or wholesale sale or rental of any article, substance, commodity, or service.

**Commercial and Public Service Area**

Areas that have been designated to provide commercial and public services to the region or have the potential to provide future commercial and public services.

**Commercial Boating**

Commercial use of pleasure craft or other vessel on a body of water.

**Commercial Facilities**

A structure designed or used for the support, shelter, or enclosure of persons, animals, or property of any kind, for commercial uses.

**Commercial Floor Area**

The gross square footage of floor area within the outer wall of a commercial building, not including stairwells and airshafts. The square footage of other facilities relating to such building, including but not limited to decks that are designated for commercial use under a permit, shall be considered commercial floor area. Square footage for the following shall not constitute commercial floor area:

- A. Parking areas, driveways, parking structures, outside stairways, and walkways;
- B. Accessory uses determined by TRPA not to contain additional commercial floor area pursuant to subparagraph 50.6.1.A;
- C. Temporary projects pursuant to Chapter 22: *Temporary Uses, Structures, and Activities*; and
- D. The area of play in an indoor tennis court, the area of water in an indoor swimming pool, and the area for skating in an indoor roller or ice skating rink, provided these are the permanent primary uses and otherwise meet the definition of commercial use.

**Common Work Location**

See subparagraph 65.5.1.B.4.

**Community Apartment**

An undivided interest in land coupled with the right of exclusive occupancy of a unit.

**Community Noise Equivalent Level (CNEL)**

A measure of noise that is the logarithmic average of single noise event values as measured by a noise monitor.

**Community Plan**

An area-specific plan for the areas designated in the Goals and Policies as eligible for development and adoption of a community plan. An adopted community plan replaces any plan area statements contained within the same area but carry forward some of the provisions of the plan area statements. Among other things, community plans identify development themes for the area, define desired types and intensities of uses, and generally try to create a coherent vision for the community. See Chapter 12: *Community Plans*.

**Commuter**

See subparagraph 65.5.1.B.5.

**Commuter Matching Service**

See subparagraph 65.5.1.B.6.

**Compact**

The Tahoe Regional Planning Compact, as amended and set forth in California Government Code Section 66801, Nevada Revised Statutes Section 277.200, or Public Law 96-551, 94 Stat. 3233, (December 19, 1980).

**Compliance Measure**

See subsection 16.3.2.

**Condominium**

An interest in real property defined or recognized under applicable (California or Nevada) state law as a condominium.

**Condominium Development**

The division of real property into, or use of real property for, condominiums, including all structures relating to such division or use.

**Condominium Conversion**

A change in the form of ownership of improved property whereby persons obtain ownership interests in and to, or rights of occupancy of, individual units thereof, including but not limited to, condominiums, community apartments, stock cooperatives and any other similar change in the form of ownership of real property.

**Confined**

Stream types classified under major categories A and B, and stream type C2, as defined in the report entitled "A Stream Classification System," David L. Rosgen, April, 1985.

**Conforming Area Plan**

An Area Plan that has been found in conformance with the Regional Plan in accordance with Chapter 13 of the Code of Ordinances.

**Conservation Areas**

Areas with value as primitive or natural areas, with strong environmental limitations on use, and with a potential for dispersed recreation or low intensity resource management. Conservation areas include:

- A. Public lands already set aside for this purpose;
- B. High-hazard lands, stream environment zones, and other fragile areas, without substantial existing improvements;
- C. Isolated areas that do not contain the necessary infrastructure for development;
- D. Areas capable of sustaining only passive recreation or non-intensive agriculture; or
- E. Areas suitable for low-to-moderate resource management.

**Construction**

The creation, building, assembly, disassembly, demolition, modification, or reconstruction of a structure.

**Construction Site Boundary**

A line on final construction drawings identifying the limits of the area of disturbance surrounding a project.

**Contiguous Parcels**

Parcels whose boundaries touch along one or more sides.

**Conversion of Use**

See "Change in Use."

**Cooking Facilities**

Any area within a structure that contains the following: a gas or electric range, stove top and/or oven (not including a microwave oven), a refrigerator in excess of five cubic feet in size, and a standard-sized kitchen sink.

**Coverage**

See "Land Coverage."

**Coverage Coefficients**

See "Bailey Coefficients."

**Critical Habitat**

Any element of the overall habitat for any species of concern that, if diminished, could reduce the existing population or impair the stability or viability of the population. This shall apply also to habitat for special interest species indigenous to the region whose breeding populations have been extirpated but could return or be reintroduced.

**Cut-to-Length**

A harvesting system in which felled trees are processed into log lengths at the stump before they are carried to the road or landing.

**dBA**

A measurement of sound intensity in decibels using the "A" weighted scale.

**dbh**

"Diameter at breast height," or the diameter of a tree measured at four and one-half feet above the ground on the uphill side of the tree. A circumference of 44 inches at breast height may be considered as the equivalent of 14 inches dbh.

**Dead Tree**

For any coniferous species, a tree that is totally lacking needles, or totally lacking green limbs or needles throughout the crown. For any deciduous species, a tree determined to be physiologically dead by a qualified forester.

**Deck**

An elevated structure or element of a structure, designed or used as a floor for the support of persons, animals, or property in an outdoor setting. Decks are typically surfaced with dimensional lumber, composite boards, blocks, or metal grates. Decks are held in place with open structural elements such as foundations, posts, and beams. Decks are not installed directly on the ground or on a concrete pad.

**Decorative Gas Appliance**

A gas- or propane-fueled combustion appliance certified under ANSI standard Z21.50.

**Defensible Space Assessor**

A person who works for an organization that is operating under a TRPA MOU that has been approved by TRPA, who has successfully completed a Defensible Space Certification Program for Lake Tahoe, and evaluates structures for defensible space. Annual renewal of this certification is required.

**Denuded Area**

An area of land from which substantially all vegetation has been removed.

**Derelict**

An abandoned structure or other development. Abandonment is determined without regard to intent to abandon. Evidence of abandonment includes lack of maintenance, access, utility connections, habitability, or ability to function in the applicable use category.

**Designated Floodplain**

The limits of the 100-year floodplain where established for creeks by the U.S. Army Corps of Engineers and/or the limits of the 100-year floodplain as established by the Federal Emergency Management Agency (FEMA) on a Flood Insurance Rate Map (FIRM). In areas where the U.S. Army Corps of Engineers or Federal Emergency Management Agency has not mapped a floodplain and where TRPA has reason to believe that a flood hazard may exist, the limits of the 100-year floodplain shall be determined by application of standard hydrologic data and methods applied by a competent professional, in consultation with appropriate local jurisdictions, and approved by TRPA.

**Desilting Basins**

An area used to store water runoff so that suspended sediment is allowed to fall and accumulate at the bottom of the basin.

**Develop**

The act of creating, establishing, constructing, or altering any project or other activity.

**Developed Outdoor Recreation**

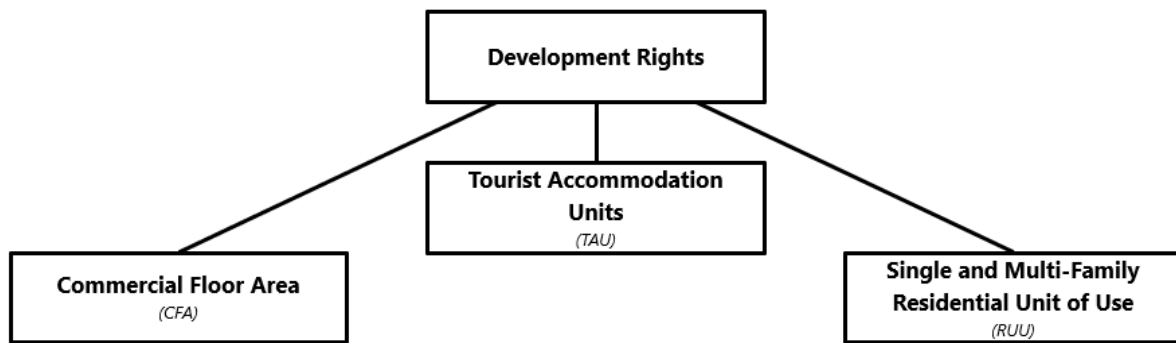
See "Recreation (Developed)."

**Developed Recreation**

See "Recreation (Developed)."

**Development Right**

A legally existing unit of use that must be obtained prior to the construction of a project and commencement of use or activity on a property. A development right is not a vested right. Development rights include commercial floor area, tourist accommodation units, and residential units of use (comprised of a potential residential unit of use and a residential allocation). Prior to [the effective date of the amendments], a potential residential unit of use was called a "residential development right" for the purposes of Section 50.3. See "Residential Unit of Use (Potential)".



### **Diligent Pursuit**

See subparagraph 2.2.4.C.

### **Directional Sign**

Any sign that is used solely for the purpose of traffic or pedestrian direction or safety, and placed on the property to which or on which the public is directed, and that contains no advertising copy.

### **Discharge-Direct**

The release of certain substances into a body of water or ground water.

### **Discharge-Indirect**

The release of certain substances into a body of water by the passage of the substances over the earth.

### **Diseased Trees**

Trees affected with plant pathogens including, without limitation, mistletoe, stalactiform rust and annosus root disease.

### **Disturbance Zone**

The zone around a nest site or animal use area for animals which are highly vulnerable to disturbance.

### **Disturbed Areas**

An area where soil, vegetation, or another natural feature of a site has been removed or substantially altered.

### **Drainage Way**

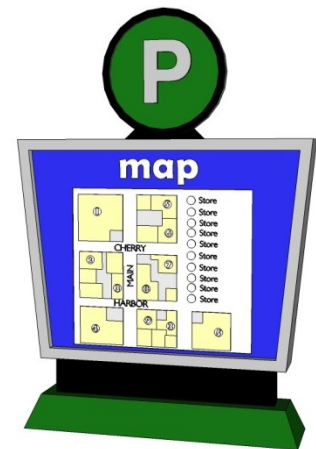
A man-made depression in the earth's surface in which surface waters collect or flow as a result of rain or melting snow but which is empty at other times.

### **Dredging**

Removing or rearranging earthen materials that are lakeward of the high water line.

### **Dripline**

The area immediately beneath rooftop eaves or other surfaces from which runoff falls, or an area delineated by projection of the periphery of the crown area of a tree down to the ground surface.



**Directional Sign**

**Driveway**

A clearly identifiable path of vehicular access from the parking area of a parcel to the public right-of-way or other access road. A driveway may be either one-way or two-way.

**Eastside Forest Type**

Those forests east of a line from Brockway Summit to and along the southern boundary between California and Nevada (see Westside and Eastside Forest Type Maps at <http://trpa.org/gis/>). The TRPA Westside and Eastside Forest Types GIS data layer delineates the eastside forest types and westside forest types in the region.

**Edge Zone**

The zone where two different plant communities meet or merge.

**Effective Date of the Regional Plan**

The July 1, 1987, date established by Ordinance 87-9 as the effective date of the Regional Plan. Unless the context indicates otherwise, the calculation of time periods begins from the effective date of the Regional Plan.

**Electric Vehicle Charger**

Off-board charging equipment used to charge an electric vehicle.

**Electric Vehicle Charging Station**

One or more electric vehicle charging spaces served by electric vehicle charger(s) or other charging equipment allowing charging of electric vehicles.

**Emergency**

A situation or circumstance that poses immediate danger to life, property, or the environment and demands immediate action to effectuate compliance with the Compact, or the Regional Plan, Code, and Rules of Procedure.

**Emission**

The act of passing into the atmosphere an air contaminant or gas stream containing an air contaminant. Also, an air contaminant that passes into the atmosphere.

**Employer**

See subparagraph 65.4.1.B.7.

**Employer Transportation Coordinator (ETC)**

See subparagraph 65.5.1.B.8.

**Employer Transportation Plan**

See subparagraph 65.5.1.B.9.

**Environmental Assessment (EA)**

An analysis used to determine whether a proposed project will have a significant effect on the environment and to determine whether a more detailed Environmental Impact Statement (EIS) will be necessary to provide additional analysis. It includes, among other things, alternatives to the proposed project and discussion of environmental impacts of the project. An EA is required when TRPA determines

that an Initial Environmental Checklist (IEC) does not provide sufficient information to fully assess a project's environmental effects.

**Environmental Impact Statement (EIS)**

An Environmental Impact Statement (EIS) is prepared in order to analyze, among other things, whether a proposed project will have a significant effect on the environment, provide alternatives to the proposed project, recommend methods to mitigate significant effects, and identify significant adverse impacts that cannot be avoided

**Environmental Impact Statement (EIS)**

The document defined in Article VII of the Compact.

**Environmental Improvement Program (EIP)**

See Section 15.3.

**Environmental Improvement Program (EIP) GIS Layer**

The TRPA Environmental Improvement Program GIS data layer indicates the type and locations for stream environment zone, water quality, transportation, and other environmental improvements.

**Environmental Threshold Carrying Capacities**

See subsection 1.4.3.

**Ephemeral Stream**

Flows sporadically only in response to precipitation, with flows lasting a short time.

**Erosion Control**

Structural or nonstructural techniques applied to a particular site or region to prevent or minimize over land loss of soil or nutrients.

**Escape Cover**

Habitat that animals use to escape from predators.

**Essential Public Health and Safety Facility**

When located in the Shorezone, an essential public health and safety facility provides lake access and egress for public safety and emergency response.

**Estimated Cost of Construction**

A cost estimate prepared by a registered engineer, licensed architect, or other qualified professional acceptable to TRPA, of the cost to construct the structural elements of a structure. This includes, without limitation: pier pilings, bracing and supports, bearing walls, rafters, foundations, and base materials under asphalt or concrete. Land coverage mitigation construction cost shall not include non-structural elements such as painting, shingles and other non-bearing roofing materials, siding (except siding necessary to brace or provide shear strength), doors overlays upon existing paved surfaces, HVAC systems, sewer systems, water systems, electrical systems, furniture, and similar decorations and fixtures.

**Excavation**

The digging out of earthen materials. See also "Grading."

**Executive Director**

The executive officer of TRPA.

**Exempt**

Activities that are not subject to review and approval by TRPA. See Section 2.3.

**Exhaust Emissions**

The products of combustion emitted into the ambient air from any opening downstream of the exhaust ports of an engine.

**Existing**

Legally present or approved on the effective date of the Regional Plan or subsequently legally constructed, commenced, or approved pursuant to necessary permits. Derelict structures are not considered existing for purposes of Chapters 50, 51, and 52 nor are projects whose approvals have expired.

**Exotic Animals**

Animals, other than household pets and other domestic animals such as farm animals, which do not occur naturally in the Lake Tahoe Basin. Exotic animals do not include established nonnative fish or game birds but do include mammals, birds, reptiles, and fish not indigenous to North America or the Sierra Mountain Range.

**Expansion**

Outside of the shorezone, “expansion” means an increase in size or extent of an existing structure or use that results in additional commercial floor area, additional residential units, additional tourist accommodation units, additional PAOTs, additional land coverage, vehicle trips, or other capacities regulated by this Code. Within the shorezone, “expansion” means an increase in size or extent, including an increase in the dimensions of a structure, and the addition of any structure or edifice to an existing structure.

**Facility**

A stationary man-made feature that is attached directly or indirectly to the lands or waters of the Region.

**Factory-Built House**

House constructed by an automated process entirely in a factory. There is little or no functional difference between factory-built housing and site-built housing. Factory-built houses include the following:

- A. “Modular Homes”: This is a type of factory-built home in which the individual sections are constructed at the factory, transported to the site on truck beds, and assembled on site by local contractors. They are built to the state, local, or regional code where the home will be located.
- B. “Panelized Homes”: These are factory-built homes in which panels, such as a whole wall with windows, doors, wiring, and outside siding, are transported to the site and assembled. The homes must meet state or local building codes where they are sited.
- C. “Pre-Cut Homes”: This is the name for factory-built housing in which building materials are factory-cut to design specifications, transported to the site and assembled. Pre-cut homes include kit, log, and dome homes. These homes must meet local, state, or regional building codes.



**Family**

One person, or more persons, occupying premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, motel, or like establishment.

**Fawning Habitat**

The area normally used by deer for the birth and rearing of young.

**Feasible**

Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

**Feller-Buncher**

A machine that fells and gathers trees. Feller-bunchers fell and bunch trees mechanically with hydraulically-driven chain saws, circular saws, or shears. The feller-buncher bundles trees for a grapple skidder or cable skidder to pick up.

**Fertilizer**

Inorganic, organic, or synthetic composition that is used to supply artificial amounts of nutrients for the purpose of increasing soil or plant productivity.

**Fertilizer Management Program**

Guidelines that outline the appropriate use of fertilizer.

**Fill**

Any rock, soil, gravel, sand, or other material deposited by man. See also "Grading."

**Final Action**

A decision by TRPA to approve, require modification, or reject a proposal considered by TRPA.

**Final Map**

A map of a subdivision placed on record as a final subdivision map in the recorder's office of a local government.

**Findings**

A written statement supported by substantial evidence in the record of the ultimate facts and the rationale supporting a conclusion that applicable Code or Compact requirements are met.

**Finish Grade**

The final grade of the construction site that conforms to the approved plan.

**Finish Grading**

Smoothing of an earthen surface to bring it to final grade.

**Firebreaks**

An area cleared of vegetation to act as a gap between continuous combustible materials.

**Fireplace**

An open structure, usually masonry, for containment of a fire. See also "Wood Heater."

**Fireplace Inserts**

See "Inserts."

**First Order Stream**

A natural depression that conveys surface water to major or minor streams or other receiving waters. A first order stream is a mappable, unbranched tributary. It may not normally contain flowing water and may flow only during storms or snowmelt periods. Examples include swales, ravines, draws, natural ditches, and hollows.

**Fish and Wildlife Management Projects**

Structural or non-structural projects that enhance or create habitat for fish or wildlife.

**Fish Habitat**

The combination of qualities that creates suitable conditions for the growth, reproduction, and production of fish. The term specifically refers to the environmental characteristics necessary for food, water, cover, and reproduction needs.

**Fisheries**

Pertains to the growth, reproduction, and production of fish present in the waters within the Lake Tahoe Basin.

**Floating Docks or Platforms**

Structures designed to float on a water surface that are attached either to the shoreline or to a lake bottom.

**Floating Breakwaters**

Structures designed to float on a water surface that are attached either to a shoreline or to a lake bottom. Their purpose is to suppress wave action.

**Floodplain**

An area adjoining a water course, lake or other body of water that has been or may be covered by flood water.

**Food Habitat**

An area where environmental conditions are favorable for supplying food to a particular species.

**Forage Carrying Capacity**

A standard necessary to maintain a level of palatable vegetation.

**Foreshore**

The zone of a lake level fluctuation that is the area between the high and low water level. (For Lake Tahoe, the elevations are 6,229.1 feet Lake Tahoe Datum and 6,223.0 feet Lake Tahoe Datum, respectively.)

**Forest Pest**

An animal or insect causing a threat to a forest stand or tree.

**Forwarder**

A self-propelled machine, usually self-loading, that transports trees or logs by carrying them completely off the ground.

**Foundation**

The structural support system of a building or other structure.

**Fracture**

A break in the topography or land form.

**Freestanding Sign**

Any type of sign that is permanently supported in a fixed location by a structure of poles, uprights, or braces in or on the ground; or that is placed upon a planter, pedestal, retaining wall, or other structure and not supported by a building.



Freestanding Sign

**Freeway**

A divided arterial highway with full control of access and with grade separations at intersections.

**Geographic Information System (GIS)**

A Geographic Information System (GIS) is a digital mapping tool designed to capture, store, analyze, and present spatial and geographic data. A GIS data layer is a visual representation of a single geographic dataset such as a feature in the natural or built environment or regulatory boundary in a digital map. Typically, several GIS data layers are added to a map to compare features such as a road GIS data layer compared to a GIS data layer showing park areas.

**Geomorphic Unit**

A particular type of landform as described in the Bailey Report. The geomorphic unit map (1971) and geomorphic unit GIS data layer indicate the type and location of geomorphic units.

**Governing Board**

The Governing Body of the TRPA as defined in Article III of the Compact.

**Grading**

Cutting through or otherwise disturbing the layers of the soil mantle so as to change the existing landform, including, but not limited to, disturbing the soil mantle for construction of a driveway, parking area, utility line, building, or other structure. Also includes filling, excavation, and clearing.

**Grading Season**

The period each year during which grading is permitted commencing May 1 and ending October 15.

**Groin**

See "Jetty."

**Groundwater Between 20-40 Inches**

Evidence of ground water between 20 and 40 inches below the ground surface (somewhat poorly drained soil).

**Handbook of BMPs**

The document that sets forth the Best Management Practices.

**Harbor**

A shorezone area that is protected from wave forces and deep enough to provide for the anchorage or moorage of a boat.

**Harvester**

A machine that falls trees and performs processing functions at the stump, including, but not limited to cut-to-length harvesters and feller-bunchers.

**Hazardous Tree**

A tree identified as dangerous, immediately or in the near future, to lives or property.

**Head of Livestock**

One horse, mule, sheep, cow, steer, or other four-legged grazing animal.

**Healthy Trees**

Trees that are not diseased or infested.

**Height**

See subsection 37.3.1.

**Height of Sign**

For a freestanding sign, the vertical distance measured from the curb grade of the nearest street to the highest point of the sign or sign structure. For a building sign, the vertical distance measured from the building grade to the highest point of the sign or sign structure.

**Helipad**

For the landing of or take off of helicopters. A helipad does not have fueling, maintenance, or other support activities associated with its operation.

**Heliport**

An area of land, water or a structure, intended or used for the landing or take-off of helicopters. A heliport has fueling, repair, or support activities associated with its operation.

**Helispot**

An area of land, water, or a structure used for the landing or take-off of a helicopter for an emergency, or for a predetermined limited basis.

**High Water Elevation**

The established upper elevation limit of the surface of a body of water. (For Lake Tahoe, the high water elevation is 6,229.1 Feet Lake Tahoe Datum.)

**High Water Line**

Elevation 6,229.1 feet, Lake Tahoe Datum, for Lake Tahoe.

**Historic Resources**

Structures, buildings, sites, districts, or objects having historic, prehistoric, archaeological, or paleontological significance.

**Home Occupations**

A use that is customarily conducted entirely within a dwelling by the residents of the dwelling, provided the occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes. The following activities are prohibited as part of home occupations: Sales of products not produced on the premises, unless the sales are done by written order with no commodities or displays on the premises; employment of more than one person other than the residents of the dwelling; No signs or structures advertising the occupation; outside storage of materials or supplies incidental to the home occupation; and more than one home occupation is carried on in a dwelling. The following uses are examples of home occupations: consultative professional occupations, whose function is one of rendering a service; a secondary business office; the making of clothing; the giving of music lessons; and the creation of crafts.

**IBC**

The International Building Code.

**Impervious Coverage**

See "Land Coverage."

**Indicator**

See subsection 16.3.3.

**Indirect Discharge**

See "Discharge - Indirect."

**Indirect Source**

A facility, building, structure, installation, real property, road, or highway that generates or may generate mobile sources of air pollution or serve as a trip end. Indirect sources include, but are not limited to, parking facilities, airports, and retail facilities.

**Infiltration Facility**

A device used to percolate runoff into the soil, including without limitation a rock-filled trench or basin.

**Initial Environmental Checklist (IEC)**

A checklist submitted with all applications used to evaluate, on a preliminary level, whether the project will have a significant effect on the environment and serves as basis to determine whether additional environmental analysis is required through an Environmental Assessment (EA) or Environmental Impact Statement (EIS).

**Innovative Techniques**

As used in subparagraph 61.1.6.C.1.b, newly introduced, but not well-established, silvicultural and harvesting techniques that are designed to be low impact on the environment.

**Innovative Technology Vehicles**

Motorized vehicles used in vegetation management (including tree removal) operations that have been designed so as to minimize impacts to soils and vegetation. Innovative technology vehicles should be able to be operated in a manner than minimizes disruption of the soil surface (soil detachment), soil compaction, and damage to vegetation. Depending on specific site conditions (e.g., soil type, soil conditions, slope) and the method of operation, the use of low-ground pressure logging vehicles such as certain harvesters and forwarders may qualify as "innovative technology" vehicles.

**Insert**

An air-tight design placed inside a masonry fireplace that provides greater heating efficiency.

**Inspection and Maintenance Program**

As used in subsection 65.1.3, a program to reduce emissions from in-use vehicles by identifying vehicles that need emissions control-related maintenance and requiring that maintenance is performed.

**Instream Flow**

The rate and volume of water passing through a stream channel.

**Instream Flow Diversions**

The removal of water from a stream channel so as to divert the flow of water or to partially or totally reduce the flow of stream water below the point of diversion.

**Instream Value**

The ecological or other value integrally linked to the flow of a stream at a given volume and rate.

**Intensification of Impacts**

Any action relating to an existing use or structure that significantly increases adverse environmental impacts for the categories set forth on the TRPA Environmental Checklist.

**Intensification of Use**

Any action relating to an existing use that impacts on the extent of nonconformity with provisions of the Code, including, but not limited to, coverage, noise, increases in-vehicle trips, and design standards.

**Interim Target**

See subsection 16.3.4.

**Intermittent Stream**

A stream that only flows at certain times of the year. For example, when it receives water from springs or from a surface source such as melting snow.

**Invasive Species**

The term refers to species, both aquatic and terrestrial, that establish and reproduce rapidly outside of their native range and may threaten the diversity or abundance of native species through competition for resources, predation, parasitism, hybridization with native populations, introduction of pathogens, or physical or chemical alteration of the invaded habitat. Through their impacts on natural ecosystems, agricultural and other developed lands, water delivery and flood protection systems, invasive species may also negatively affect human health and/or the economy.

**Irrevocable Commitment**

For purposes of subparagraph 12.7.3.E.18, irrevocable commitment to fund each priority public benefit or related mitigation measure (collectively referred to in this subsection as "measures") shall mean the following:

- A. The public entity funding the measure or, when necessary, the electorate, has made all discretionary decisions required for the issuance of the bonded indebtedness under applicable state law and only ministerial acts necessary to the issuance of any such bonded indebtedness

and the receipt of funds therefrom remain to be completed. Any such funds shall be finally committed to, and available for, expenditure for the measures;

- B. The application for state and federal grant monies has received approval and such grant monies are included in a duly enacted state budget or a legislative appropriation or federal authorization and appropriation. Any such funds shall be finally committed to, and available for, expenditure for such public improvements in accordance with the final or demonstration redevelopment plan;
- C. The measures are approved and funded as part of a public entity's capital improvement program;
- D. Where the funding of the measures is the responsibility of the developer, TRPA shall ensure that the public entity shall have received sufficient funds or an acceptable security to fully fund the measures;
- E. The public entity funding the measure has received a funded commitment from another public entity as described in A through C above; or
- F. Any combination of A through E above.

**Jetty**

A man-made barrier in the water that is usually but not always perpendicular to a shoreline.

**Kitchen**

A room with cooking facilities.

**Kitchen Facilities**

See "Cooking Facilities."

**Kitchen Unit**

A unit with cooking facilities.

**Lagoons (Man-Made)**

A body or channel of water created by man, but not including existing marinas or modifications thereto.

**Lake**

A water body greater than 20 acres in size, exceeding two meters deep at low water and lacking trees, shrubs, persistent emergents, emergent mosses or lichens with greater than 20 percent aerial coverage.

**Lakefront Façade**

The surface area of the lakefront elevation(s) for all primary and accessory buildings and other structures, with visible area for a given project area within the shoreland.

**Lake Tahoe Datum**

Elevation Lake Tahoe Datum equals elevation United States Geological Survey plus 1.14 feet.

**Lakeward**

In the direction of a lake or other body of water as applicable.

**Lakezone**

The zone including that area of a lake located beyond the lakeward limits of the nearshore.

### **Land Bank**

An entity designated by TRPA to perform the functions set forth in Section [Error! Reference source not found.6-9.](#)

### **Land Capability District**

A soils unit designated on the adopted TRPA land capability map and denominated by a numerical rating of one through seven (e.g. Land Capability District 1). The system was devised by Dr. Robert G. Bailey for the U. S. Forest Service and is detailed in the Bailey Report.

### **Land Coverage**

A man-made structure, improvement, or covering, either created before February 10, 1972, or created after February 10, 1972, pursuant to either TRPA Ordinance No. 4, as amended, or other TRPA approval, that prevents normal precipitation from directly reaching the surface of the land underlying the structure, improvement, or covering. Such structures, improvements, and coverings include, but are not limited to, roofs, decks, surfaces that are paved with asphalt, concrete, or stone, roads, streets, sidewalks, driveways, parking lots, tennis courts, patios; and 2) lands so used before February 10, 1972, for such uses as for the parking of cars and heavy and repeated pedestrian traffic that the soil is compacted so as to prevent substantial infiltration. A structure, improvement or covering shall not be considered as land coverage if it permits at least 75 percent of normal precipitation directly to reach the ground and permits growth of vegetation on the approved species list. See also "Potential Land Coverage." Common terms related to land coverage are:

- A. Hard Coverage—man-made structures as defined above.
- B. Soft Coverage—compacted areas without structures as defined above.

The following improvements are not land coverage:

- A. Post foundations that are 12 inches or less in width and length at ground level.
- B. Walls and other impervious improvements that are 12 inches or less in width at ground level and in aggregate do not exceed one percent of the project area.
- C. Utility improvements including boxes, vaults, and poles that are required for utility services (including water, sewer, electricity including undergrounding, natural gas, and telecommunications), are surrounded by pervious surfaces, and do not individually exceed 6 square feet in size. This provision does not extend to additional discretionary utility improvements such as generators and HVAC installations.
- D. Bear-resistant garbage enclosures not exceeding 3 feet in depth that are installed on one or more posts and have an enclosure elevated 6 inches or more above ground level.
- E. Land coverage associated with BMP installations may be excluded from land coverage calculations if such improvements are necessary for a properly functioning BMP installation.
- F. Natural rocks used in landscaping, slope retention, and for aesthetic purposes are not land coverage if the rocks are in their natural location or are surrounded by pervious surfaces, are not designed to serve as a walkway or gathering area.

### **Land Disturbance**

Disruption of land that includes alteration of soil, vegetation, surface hydrology, or subsurface hydrology on a temporary or permanent basis, through action including, but not limited to, grading.



**Landing**

A centrally located log collection area to which logs are skidded or yarded and then loaded for shipment.

**Landscaping**

The decoration of an area with plants and other vegetation.

**Late Seral (Successional)/Old Growth**

Coniferous forest stands that contain a relative greater density of large and/or old trees, typically in an advanced stage of community succession. Old-growth communities vary in structural character (number of canopy layers, size of snags, and size of coarse woody debris) due to tree species composition, disturbance regime, and the edaphic site qualities (defined by site specific substrate, precipitation and solar radiation index).

**Lawn**

An area planted with grass species, usually closely mowed.

**Legally Existing**

See definition for "Existing."

**Level of Service**

For an intersection or roadway segment, the level of service is the delay to motorized vehicles and the volume/capacity ratio and is expressed by a series of letter grades from A (low v/c ratio and delay) through E (high v/c ratio and delay) and F (blocked).

**Limited-Use Roads**

A class of roads, other than dedicated public roads, for which the primary use is timber harvest operations.

**Linear Public Facilities**

Public service facilities that are linear in nature such as roads, streets, trails, utility transmission and distribution facilities, and other similar right-of-ways. This term also includes accessory uses to such facilities, including without limitation pump houses, lift stations, substations, and access right-of-ways.

**Littoral Parcel**

A parcel of land adjoining or abutting the high water elevation of a lake.

**Littoral Processes**

The redistribution of sediments within the foreshore or nearshore in response to energy generated by waves or longshore currents that have not been disrupted by man-made structures.

**Livestock**

Domestic animals, such as cattle or sheep, raised and used for commercial purposes.

**Livestock Containment Facilities**

Structures built or used to hold livestock, including, but not limited to, corrals.

**Living Area**

The enclosed areas of a structure, including the living area for all stories of the structure, not accessible to motor vehicles.

**Local Government Neighborhood Compatibility Requirements**

Requirements implemented and enforced by a local government through a cooperative agreement with TRPA that regulate vacation rentals to ensure neighborhood compatibility. Such requirements include, but are not limited to, mitigating the potential adverse impacts related to refuse/garbage, parking, occupancy, noise, lighting, and signage.

**Local Plan**

An adopted Area Plan, Community Plan, or Plan Area Statement

**Local Resident**

A person whose primary residence is in the Tahoe region as evidenced by a driver's license.

**Lock-Off Unit**

A lock-off unit is a tourist accommodation unit within a residential design timeshare use that exists within a split-use unit and consists of one or more bedrooms (or sleeping quarters) and baths, but does not contain kitchen facilities. A lock-off unit is created by "locking-off" the kitchen and one or more baths and bedrooms (or other sleeping quarters) in the split-use unit thereby creating a hotel-type tourist accommodation unit that may be rented or leased separately from the remainder of the split-use unit. A lock-off unit constitutes one tourist accommodation unit of the two tourist accommodation units that constitute, or are required for, a split-use unit, except as set forth in Chapter 11: *Plan Area Statements and Plan Area Maps*.

**Log Culverts**

Logs placed in a stream to facilitate crossing by equipment.

**Lop and Scatter**

A slash treatment method where limbs and tops of felled, dead, or damaged trees are cut into short lengths and scattered throughout an area without any concentration. The method requires that no portion of the slash shall be more than twenty inches above the ground and that all unmerchantable chunks are scattered.

**Lot**

See "Parcel."

**Low-Emission Vehicle**

A vehicle certified by a state or the U.S. Environmental Protection Agency as a "Low Emission Vehicle."

**Low-Level Boat Lift**

A device with forks attached to a pier that reaches under a boat to lift it from the water for temporary storage.

**Low Water Elevation**

The established lower surface elevation for fluctuation within a body of water. (For Lake Tahoe, the low water elevation is 6,223.0 Feet Lake Tahoe Datum.)

**Maintenance**

- A. Ordinary and routine activities necessary to keep a structure in good working order and to prevent deterioration caused by natural conditions. Examples of maintenance include washing, painting, caulking, and rewiring. Maintenance shall not include replacing any part of a structure.

- B. As used in subparagraph 2.3.3.B, “maintenance” is the ordinary upkeep, repair, and preservation of the condition of a sign in order to keep the existing sign components (including color) safe, neat and orderly in condition and appearance and to prevent corrosion or deterioration caused by weather, age, or other conditions. Maintenance does not include any changes to the sign area that result in a different message, color scheme, or graphic design, or any changes in the external dimensions of the sign or structure.

#### **Maintenance Dredging**

The dredging of areas that previously have been dredged to maintain legally established lake bottom elevations, and dimensions, with the legally established elevations and dimensions based on previous permits, plans, physical evidence, or other such documentation.

#### **Major Arterial**

U.S. Highway 50; S.R. 89, California; S.R. 28, Nevada and California; S.R. 267, California; S.R. 431, Mt. Rose, Nevada; S.R. 207 Kingsbury Grade, Nevada; Loop Road (Lake Parkway, Montreal Road from the state line to Park Avenue, Park Avenue from Montreal Road to Pine Boulevard, and Pine Boulevard to the state line); Ski Run; Pioneer Trail; Al Tahoe Boulevard; Lake Tahoe Boulevard; Fallen Leaf Lake Road; Tahoe Keys Boulevard; Lake Shore and Country Club Drive, Incline Village Nevada; Sierra Boulevard; Black Bart; Venice Boulevard; and Village Boulevard.

#### **Major Evaluation Interval**

See subsection 16.3.5.

#### **Major Stream**

A continuously flowing water body and its associated topography. A major stream is usually identified as a permanent stream on a U.S. Geological Survey (USGS) topographic map, 7.5-minute series and classified by TRPA as a third or higher-order streams.

#### **Major Use Classifications**

The six use classifications listed in the Table of Primary Uses in Section 21.4, being; I. Residential; II. Tourist Accommodation; III. Commercial; IV. Public Service; V. Recreation; and VI. Resource Management.

#### **Man-Made Channel**

A channel constructed by man for the purpose of conveying water or a channel created by water being discharged from a man-made source, such as a culvert or pipe.

#### **Manufactured Home**

A home built entirely in the factory on a non-removable steel chassis that is transported to the building site on its own wheels and installed under a federal building code administered by the U.S. Department of Housing and Urban Development, according to the Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) that went into effect June 15, 1976. This term does not include a mobile home dwelling or factory-built housing.

#### **Marina**

See subsection 81.5.6.

#### **Marine Railway Systems**

A boat ramp designed to use a railed vehicle to launch and retrieve watercraft.

**Master Plan**

A plan for a defined area that provides more detailed planning to ensure that projects and activities in the area are consistent with the Goals and Policies, the Plan Area Statements or community plans, and the Code.

**Maximum Height**

See subsection 37.3.1.

**Maximum Land Coverage**

Allowable base land coverage plus allowed transferred coverage.

**Materially Damaged**

As used in subsection 61.1.5, any of the following activities or alterations to a live tree that would require a permit to remove; (1) topping; (2) the removal of live limbs within the upper two thirds of the total tree height; (3) girdling; (4) the application of chemicals harmful to the tree; (5) purposefully exposing the cambium layer; or (6) other damage to the tree that will potentially result in its death or disfigurement, or in a significant increase in its susceptibility to insects or disease.

**Measurement Standard**

See subsection 16.3.6.

**Mitigation (Onsite)**

Mitigation measures, such as the removal of land coverage, applied in the project area of the project being mitigated.

**Mitigation (Offsite)**

Mitigation measures applied outside the project area of the project being mitigated.

**Mixed-Use Development:**

Developments fostering the integration of compatible residential and non-residential uses on a single site that are designed to promote pedestrian circulation. Permissible pedestrian-oriented non-residential uses include, but are not limited to, retail, restaurant, personal services, office, and entertainment uses. Lobbies, gymnasiums, and project offices may be included if they are open to the public.

**Mobile Home Dwelling**

See Table 21.4-A: Primary Use Definitions.

**Moderate Income Housing**

Residential housing, deed-restricted to be used exclusively as a residential dwelling by permanent residents with an income not in excess of 120 percent of the respective county's median income. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county's median income will be determined according to the income limits published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development.

**Modification**

Changes in the form or substance of a structure or activity.

**Modified Stationary Source**

Any physical change, change in method of operation of, or addition to, an existing stationary source, or any change in hours of operation, process, or production rate, except that routine maintenance or repair shall not be considered to be a physical change. A reconstructed source shall be treated as a new stationary source. Unless previously limited by a permit condition, a replacement of a piece of equipment with an identical piece of equipment with emissions less than or equal to those from the original piece of equipment shall not be considered a modified stationary source.

**Montane Zone**

The montane zone is all lands below 7,000 feet elevation.

**Mooring**

A Place where a watercraft is held fast with cables, lines, or anchors.

**Mooring Buoy**

See "Buoy."

**Multi-Residential**

Residential development at a greater density than one unit per parcel.

**Multi-Residential Bonus Units**

Bonus units available for use only in multi-residential projects.

**Multi-Residential Facilities**

Residential uses, with two or more units per structure, that meet the Transit Oriented Development standards set forth in subparagraph 11.8.4.C.1 or the functional equivalent as defined in subparagraph 11.8.4.C.3.

**Multiple-Use Facility**

A shorezone facility, usually but not always a pier, which is used by the public, homeowners association, or two or more littoral parcel owners, and is recognized by TRPA as multiple-use pursuant to subsection [Error! Reference source not found.](#)~~84.4.~~

**Native Plants**

Plants indigenous or occurring naturally in the Lake Tahoe Basin. See also "Plant List."

**Natural Ground Elevation**

See subsection 37.3.2.

**Natural Hazard Maps and GIS Data Layers**

The natural hazard maps and GIS data layers indicate locations of avalanche zones, earthquake zones, and flooding zones.

**Natural State**

That condition that is found in nature and not modified by human intervention.

**Navigational Structure**

A structure or device maintained solely as an aid to boat navigation.

**Near Natural State**

Approximating natural conditions.

**Nearshore**

The zone extending from the low water elevation of Lake Tahoe (6,223.0 feet Lake Tahoe Datum) to a lake bottom elevation of 6,193.0 Feet Lake Tahoe Datum, but in any case, a minimum lateral distance of 350 feet measured from the shoreline. In other lakes, the nearshore extends to a depth of 25 feet below the low water elevation.

**Near Surface Groundwater**

Evidence of ground water within 20 inches of the ground surface (poorly drained soil).

**Nesting Habitat**

The area normally used by a species of bird for the nesting and rearing of young.

**Net Environmental Benefit to a Stream Environment Zone**

See subparagraph 30.4.4.D.

**New Development Potential**

The regional potential for additional residential, commercial, tourist accommodation, public service, recreation, and related growth, as limited by the number of existing development rights currently remaining and the Bailey coefficients for land coverage. The number of existing development rights is the number of development rights created on July 1, 1987, pursuant to Chapter 31, as amended, minus development rights that have been extinguished. New development potential for piers is limited by subparagraph 82.3.3 of the Code.

**Noncommercial Copy**

See subsection 38.4.16.

**Nonconforming Sign**

A sign that is legally existing or approved as of the effective date of Chapter 38: *Signs*, that does not comply with the applicable standards set forth in that chapter.

**Nonconforming Use**

See subsection 21.2.3 and, for uses within the shorezone, see subsection 81.3.3.

**Non-Attainment Area**

An area not in attainment of federal primary air quality standards as designated by the Environmental Protection Agency.

**Non-combustion Heaters**

Electric heaters.

**Non-contiguous Parcels**

Parcels that are not adjacent parcels and whose boundaries do not touch.

**Non-Native Species**

Animals, other than domestic animals and household pets, that do not occur naturally in the Lake Tahoe Basin or which have been artificially introduced or established by man.

**Non-Permanent Structure**

A non-permanent structure is a structure meeting the requirements of subparagraph 30.4.6.A.

**Non-Sensitive Lands**

For lands with IPES scores, those lands above 725; for lands without IPES scores, those lands identified as Land Capability Districts 4, 5, 6, or 7; and that are not within the back shore.

**Nursery Habitat**

The area where juvenile fish seek food and cover.

**One Hundred-Year Floodplain**

The area that would be inundated by a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year.

**Open Burning**

As applied in Nevada only, a fire that emits the products of combustion into the atmosphere without passing through a stack or chimney.

**Optimum Stocking Level**

The number of trees on a given area that maximizes the growth rate and overall health of a stand of trees.

**Organized Recreation Camps**

Land or premises containing structures designed to be used for organized camping.

**Ornamental Vegetation**

The landscaping of property with shrubs, trees, and other vegetative ground cover not native to the Tahoe region.

**Overhang**

The portion of a structure that is cantilevered so as to not require a structural member attached to the ground, or is a deck with no structure underneath supported by posts. For a building or deck, the overhang is that portion of the structure extending beyond a continuous foundation wall.

**Over-Snow Removal**

Removal of trees from a project site using yarding equipment capable of traveling over snow without disturbing the soil or vegetation beneath.

**Oversteepened Cut Slopes**

Slopes steeper than 2:1.

**PAOT (People At One Time)**

The number of people that a recreation use can accommodate at a given time. A measure of recreation capacity.



Overhang

**Parcel**

An area of land or, in the case of a condominium, separate space, whose boundaries have been established by some legal instrument such as a recorded map or recorded deed and that is recognized as a separate legal entity for purposes of transfer of title.

**Parcel Boundary Projection Line**

Projection of a parcel boundary line lakeward from the low water line, perpendicular to the tangent of the shoreline.

**Parcel Consolidation**

The merging of two or more contiguous parcels into one parcel.

**Parcel Line Adjustments**

A change in the legal boundary or boundaries of a parcel.

**Parcel Map**

A map required by state law for the division of land into parcels.

**Particulate Matter**

Material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.

**Peak-Period Commuter**

See subparagraph 65.5.1.B.10.

**Pedestrian-Oriented Sign**

A permanent, non-illuminated sign with an area less than five square feet on any one side, and not over ten feet above ground level.

**Percent Cross Slope Retained Across Building Site**

See subsection 37.3.3.

**Perching Site**

A tree, cliff, or other high platform, used by raptors for resting, sitting, or viewing.

**Perennial Stream**

Permanently inundated surface stream courses. Surface water flows throughout the year except in years of infrequent drought. Perennial streams shall be those shown as solid blue lines on USGS Quad Maps, or streams determined to be perennial by TRPA.

**Permissible Use**

Allowed uses or special uses approved by the Governing Board. See also accessory uses, Section 21.3, and accessory structures, section [Error! Reference source not found.81-4.](#)

**Person**

An individual, partnership, corporation, business association, joint venture, group of individuals, or governmental entity.



**Personal Watercraft**

Watercraft less than 13 feet in length designated to be operated by a person or persons sitting, standing, or kneeling on the craft rather than within the confines of a hull, and with a maximum capacity of three (3) people.

**Person-Trip**

A one-direction movement of an individual person which begins and ends at a trip end.

**Pervious**

Any surface that allows at least 75 percent of precipitation to directly reach and infiltrate the ground throughout the life of the surface.

**Pier**

A fixed or floating structure intended as a landing or temporary mooring for watercraft and either extending from the backshore to at least 10 feet beyond the line marking the high water elevation of a lake, or extending into Lake Tahoe to a depth of 6,226.1 feet Lake Tahoe Datum, or a functionally similar depth on other lakes in the region.

**Pier, Multiple-Parcel**

A pier that retires pier development potential through deed restriction on one or more littoral parcels. A multiple-parcel pier may be built to either single-or multiple-use pier development standards.

**Pier, Multiple-Use**

A pier on a littoral parcel that serves three or more residential units on the same parcel, or that serves two or more primary residential littoral parcels, subject to a deed restriction providing access.

**Pier, Single-Parcel**

Also referred to as a single-use pier. A pier that serves one littoral parcel, and that retires no development potential as part of a pier application process.

**Pier, Single-Use**

A facility in the shorezone used and maintained by the owner of one littoral parcel, family, and guests.

**Pier Relocation**

The replacement of an existing pier with a new pier in a different location on the same parcel.

**Pier Transfer**

The replacement of an existing pier with a new pier on a different parcel.

**Pierhead Line**

A line established on the adopted shorezone maps of TRPA and digitized for all areas around Lake Tahoe.

**Plans**

Plans include the TRPA Regional Plan as defined in the TRPA Compact, other plans that are authorized by the Regional Plan and have been adopted by the TRPA Governing Board, and Area Plans that are authorized by the Regional Plan and that have been adopted by a Local Government and have been found by TRPA to be in conformance with the Regional Plan.

**Plant List**

The Recommended Native and Adapted Species List adopted by TRPA.

**Political Sign**

A sign advertising a candidate for public office, proposition, or other issue to be voted on by the electorate.

**Pond**

A standing water body less than 20 acres in size and/or less than two meters deep at low water.

**Portable Sign**

Any sign not permanently affixed to the ground or a building.

**Possible Contaminating Activity**

Activities equivalent to TRPA primary uses identified by either the California Department of Public Health Services or the Nevada Bureau of Health Protection Services, regardless of where the project is located, as having the potential to discharge contaminants to surface or ground waters. Such uses include but are not limited to those listed in subsection 60.3.5.

**Potential Land Coverage**

The land coverage allowed as base coverage in Chapter 30: *Land Coverage*, but that does not physically exist.



Portable Sign

**Predominantly Urbanized Area**

See subsection 13.3.1.

**Prescribed Fire**

The planned application and confinement of fire by professionally trained public agency fire personnel to wild land fuels on lands selected in advance of that application to achieve any of the following objectives: 1) prevention of high-intensity wild land fires through reduction of the volume and continuity of wild land fuels; 2) watershed management; 3) range Improvement; 4) vegetation management; 5) forest improvement; 6) wildlife habitat improvement; or 7) air quality maintenance.

**Previous Use**

See subparagraph [Error! Reference source not found.65-2-3-C](#)

**Primary Riparian Vegetation**

The following vegetative community types as identified in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning:"

- A. Type 0: Open water - Open water, Swamps and pools and Vernal pools.
- B. Type 2: Herbaceous - Wet marsh or meadow and Sphagnum bog.
- C. Type 7: Riparian shrub - Willow thicket and Alder thicket.
- D. Type 9: Broadleaf - Low elevations.

**Primary Transit Routes**

- A. Highway 50 - from Carson City to Highway 89

- B. Highway 89 – from Truckee to Highway 50 at the South Lake Tahoe “Y”
- C. Highway 28 – from Highway 89 in Tahoe City to the intersection with Country Club Drive in Incline Village
- D. Highway 267 – from Truckee to Highway 28
- E. Highway 207 – from Daggett Summit to Highway 50

### **Prime Fish Habitat**

In Lake Tahoe, the zone of water and substrate less than 30 feet deep where suitable habitat exists for purposes of spawning, feeding, or escape cover, or as designated on TRPA Prime Fish Habitat Maps.

### **Problem Assessment**

A comprehensive identification and evaluation of a significant degradation of the environment prepared by TRPA and used as the basis for action plans provided for in Section 5.12.

### **Prohibited Use**

See subsection 21.2.4, and for uses within the shorezone, see subsection 81.3.4.

### **Project**

An activity undertaken by any person, including any public agency, that may substantially affect the land, water, air, space or any other natural resources of the Region. See also Chapter 2.

### **Project Area**

See subparagraph 30.4.1.C.2.

### **Project Controller**

See subparagraph 65.5.1.B.11.

### **Project Cost**

The fair market value of materials and services used in constructing and implementing a project.

### **Projecting Sign**

A sign other than a building sign which projects from and is supported by a wall of a building, and is not parallel to the plane of the wall.



**Projecting Sign**

### **Property Transportation Coordinator (PTC)**

See subparagraph 65.5.1.B.12.

### **Protective Structure**

A structure placed in a body of water or the area of wave run-up, to prevent erosion.

### **Public Athletic Fields**

Play fields constructed and operated by or for schools and government agencies primarily for team sport usage, such as baseball, football, and soccer. Public athletic fields are typically open for public use for at least 120 days between May 1 and October 31. Golf courses, landscaping, lawns, meadows, ski runs, and similar open space are not considered public athletic fields.

**Public Entity**

A public service or quasi public entity that is responsible for public transportation, linear public facilities, utility services, public health and safety, public education, environmental protection, or public open space.

**Public Safety Facilities, Essential**

Fire and law enforcement facilities and/or stations, including apparatus bays, apparatus maintenance buildings, living quarters, and offices; training facilities including training towers; emergency operation center buildings; emergency communication towers, and fire prevention and fuel management work centers.

**Public Service**

Public or quasi-public uses or activities pertaining to communication, transportation, utilities, government, religion, public assembly, education, health and welfare, or cultural and civic support. It does not include such uses or activities that are primarily involved in commercial enterprises.

**Pump-out Facilities**

Pump-out facilities consist of the equipment needed to pump or otherwise receive and transfer contents of vessel holding tanks into sewage retention and/or disposal system approved by the permitting organizations.

**Qualified Exempt**

Activities not subject to review and approval by TRPA upon the filing of a declaration pursuant to subsection 2.3.6.

**Qualified Forester**

A person who: 1) is a California Registered Professional Forester (RPF); or 2) holds a Bachelor of Science degree, with a major in Forestry, Renewable Natural Resources, or closely related field, and has had a minimum of three years verifiable experience in forestry-related work. A valid California Registered Professional Foresters (RPF) License shall be required per California State law for any natural person or entity performing forestry work in California.

**Quasi-Public**

Having the purpose of providing a public service as a utility and under regulation of state, local, or federal law, such as a telephone company, electric power company, TV cable company, and natural gas supplier, or provide services for the public health and welfare or for educational or cultural purposes, on a voluntary or non-profit basis.

**Range Professional**

A person either meeting the requirements for the Federal Rangeland Management Series (GS-454) of the U.S. Office of Personnel Management, licensed as a Certified Rangeland Manager under the California Professional Foresters Licensing Act (PFLA), or the Certified Range Management Consultants(CRMC) certification program provided by the Society for Range Management.

**Reasonable Further Progress**

Annual incremental reductions in emissions of the applicable air pollutant that are sufficient to provide for attainment of the applicable national air quality standard by the dates established under the Clean Air Act, as amended in 1977.

**Receiving Parcel**

Parcel to which coverage, an allocation, or other development is transferred.

**Reconstruction**

The replacement of all or an entire portion of an existing structure without changing the structure's dimensions or function. The concept of "reconstruction" shall be a functional one to include substitution of one kind of material for another, for example steel for wooden piles, or synthetic for wood decking, even where those changes may result in a negligible change in the dimension or change in appearance of the structure (e.g., placing a steel pile around an existing wood pile). Notwithstanding the foregoing, the replacement of a structure may qualify as a reconstruction where there is a reduction (without reconfiguration) in the dimension of the structure resulting in an improvement to environmental conditions (e.g., replacing double pilings with single pilings; replacing a pier without a previously existing boat house). No reconstruction shall increase the visual mass or contrast rating of the previously existing structure.

**Recreation Areas**

Areas with good potential for developed outdoor recreation, park use, or concentrated recreation.

**Recreation (Developed)**

Outdoor activities that are enhanced by the use of man-made facilities, including, but not limited to, campgrounds, marinas, and ski areas.

**Recreation (Dispersed)**

Activities such as hiking, jogging, primitive camping, nature study, fishing, cross country skiing, rafting/kayaking, and swimming. The use does not usually involve the use of developed facilities.

**Recreation (Dispersed Outdoor)**

Outdoor recreational uses that require few or no developed facilities, require no motorized vehicles, and generally occur in rural areas such as hiking; horseback riding; jogging; dispersed, primitive, or back country camping; fishing and hunting; nature study and photography; rafting and kayaking; sightseeing; dispersed beach recreation; swimming; sunbathing; and cross country skiing shall be allowed uses throughout the region. See also "Recreation (Dispersed)."

**Recreation (Urban)**

Indoor and outdoor activities primarily designed for use by the residents of the region, including, but not limited to, athletic fields and neighborhood parks.

**Recreational Fires**

Fires used in connection with a recreational activity, including, but not limited to, campfires and barbecues.

**Redevelopment**

New construction on a site that has existing uses and structures. Redevelopment is not limited to designated Redevelopment Areas or Districts.

**Redirection**

The redirection of development designation is designed primarily to improve environmental quality and community character by changing the direction of development or density through relocation of facilities and rehabilitation or restoration of existing structures and uses.

**Region**

All that area described in Article II(a) of the Tahoe Regional Planning Compact. See also Basin.

**Regional Plan**

The long term general plan for the development of the region and as more specifically described in Article V of the Compact.

**Rehabilitation**

Upgrading existing facilities by repair, reconstruction, or modification.

**Reinforcement**

The provision of telephone capacity for existing or projected telephone communication service along existing or approved transmission or distribution routes.

**Remedial Action Plan**

A plan to correct environmental degradation.

**Remedial Vegetation Plan**

A plan to address areas where remedial management of vegetation is necessary to achieve and maintain environmental thresholds for health and diversity in vegetation.

**Rental Car**

A passenger vehicle designed to carry not more than ten persons and that is available for rental on a daily or other basis to members of the general public. The definition of rental car does not include a taxi, limousine, motorhome, truck, or motorcycle.

**Rental Transaction**

See subparagraph 65.4.3.A.

**Repair**

Activities necessary to put back a structure to good and sound condition after decay or damage without changing the structure's dimensions or function. Repairs include replacing components of a structure, such as decking, structural members, piles, re-siding, re-roofing, and replacement of electrical or mechanical gear. The concept of "repair" shall be a functional one to include substitution of one kind of material for another, for example steel for wooden piles, or synthetic for wood decking, even where those changes may result in a negligible change in the dimension or change in appearance of the structure (e.g., placing a steel pile around an existing wood pile). No repair shall increase the visual mass or contrast rating of the repaired existing structure.

**Residential**

Uses, facilities, and activities primarily pertaining to the occupation of buildings for living, cooking, and sleeping by the owner as a permanent or second home, by renters on a monthly or longer term basis, or by renters of a vacation rental that meets the Local Government Neighborhood Compatibility Requirements.

**Residential Area**

Areas having potential to provide housing for the residents of the region.

## Residential / Dooryard Burning

As applied in California only, the burning of vegetative-only waste grown on the site at a residence in the open air. Residential/dooryard burning does not include burning in fireplaces and woodstoves within the residence.

## Residential Unit

One or more rooms containing one or more bedrooms, with not more than one kitchen, designed to be occupied permanently as an independent housekeeping unit by one family or one collective household with facilities for living, cooking, sleeping and eating.

## Residential Units of Use

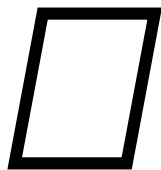
### A. Potential Residential Unit of Use (PRU)

A potential residential unit of use is attached to certain parcels in the region in accordance with Section 50.3. A potential residential unit of use is not a vested right. To construct a new residential dwelling, the property must comply with Section 50.3 to be eligible for a potential residential unit of use and the property owner must obtain a residential allocation from the respective local jurisdiction or transfer an existing residential unit of use to the property from an eligible sending site. A potential residential unit of use together with a residential allocation becomes an existing residential unit of use upon construction. Potential residential units of use were previously referred to as a 'residential development right'.

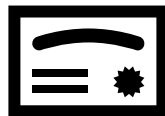
### B. Residential Unit of Use (RUU)

A residential unit of use is an existing residential unit constructed (1) prior to the adoption of the Regional Plan, or (2) as a result of a TRPA permit to construct an additional residential unit from the combination of a potential residential unit of use and a residential allocation or conversion from a different type of development right. At a minimum, an existing residential unit of use shall contain cooking facilities, bathing and toilet facilities, and living and sleeping areas. A residential unit of use may be associated with a single-family house containing one residential unit or a multi-residential development containing more than one unit per parcel as defined by this Code.

**Potential Residential Unit of Use + Residential Allocation = Residential Unit of Use**  
*(ability to develop a lot) (permission to build) (upon construction)*



*Vacant Residential lot*



*Residential Allocation*



## Resource Management

Uses, facilities, and activities pertaining to the utilization, management, or conservation of natural resources.

## Restoration, or Restored

In the context of natural areas, the reestablishment of the primary natural characteristics and functions of the soil, hydrology, vegetation, and other natural features of the natural habitat.

**Restricted Gaming (Nevada Only)**

Operation of not more than 15 slot machines pursuant to Nevada law as an accessory use to a commercial or tourist accommodation primary use.

**Revegetation**

Establishment of vegetation on disturbed areas.

**Revetment**

Sloping structures armored with stone or other material through which water may pass.

**Ridesharer**

See subparagraph 65.5.1.B.13.

**Riparian Plant Community**

A plant association identified by the presence of vegetation that requires free or unbound water or conditions more moist than normal in the area. Such communities include, but are not limited to, deciduous trees (alder, aspen, cottonwood, willow), hydrophytes, meadow vegetation, riparian shrub, and lodgepole pine.

**Road**

A smooth or paved surface designed for travel by motor vehicles.

**Rock Cribbing**

An enclosure of wood, steel, or other material containing unconsolidated rock.

**Roof Sign**

A sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure. Signs standing out horizontally from a mansard roof are considered wall signs; however, they may not extend vertically above the top of the mansard.



Roof Sign

**Scenic BMPs**

Mitigation measures that reduce the visual impact of structures to promote threshold attainment. This includes the use of landscaping, building design, glass treatment, articulation, color, texture, screening, and other such techniques.

**Scenic Highway and Corridor**

A roadway that has been determined to have outstanding scenic value. The scenic corridor includes the roadway right-of-way and extends 100 feet perpendicularly from the edge of the right-of-way boundary.

**Scenic Units GIS Data Layers**

The TRPA scenic units GIS data layers indicate the location of the roadway units, the shoreline units, the recreation areas, and the bicycle trails established by the scenic thresholds. Scenic highway corridors, including specific urban, transition and natural corridor designations are also identified.



**Seasonal Efficiency**

The efficiency, as certified by the California Energy Commission under the provisions of California Administrative Code, Title 20, Chapter 2, Subchapter 4, Article 4, Sections 1603 and 1607, (Appliance Efficiency Standards).

**Seasonal High Water Table**

The highest level of soil saturated with water during a one year period, usually but not always found in the spring months.

**Second Order Stream**

A stream formed by the confluence of two or more first order streams.

**Secondary Residence**

See "Accessory Dwelling Unit," subsection 21.3.2.

**Secondary Riparian Vegetation**

The following vegetative types as identified in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning:"

- A. Type 2: Herbaceous - Wet mesic meadow.
- B. Type 9: Broadleaf - High elevations.
- C. Type 19: Lodgepole - Wet type.

**Seeped Soils**

Soils having the characteristics of a high water table.

**Seiche**

An oscillation of the surface of a landlocked body of water (as a lake) that varies in period from a few minutes to several hours.

**Sending Parcel**

The parcel from which land coverage, an allocation or other development is transferred.

**Sensitive Lands**

For lands with IPES scores, those lands at or below 725; for lands without IPES scores, those lands identified as Land Capability Districts 1, 2, or 3; and lands within the backshore.

**Sensitive Plant Species**

Plants that are extremely scarce and considered vulnerable to local extirpation or extinction.

**Service Capacity**

The ability to accommodate units of traffic, energy, sewer, water, or people engaged in the activity for which the facility was intended, or other similar units of measure.

**Service Connection**

The connection of utilities, such as gas, water, electricity, or telephone, to a structure.

**Setback**

An area established adjacent to the shorezone interface or riparian vegetation to provide a natural buffer between development and sensitive or ecologically significant areas.

**SEZ**

See “Stream Environment Zone.”

**SEZ Setback**

A strip of land adjacent to the edge of a SEZ, the designated width of which is considered the minimum width necessary to protect the integrity of the various characteristic of the SEZ. The width of the setback shall be established in accordance with the procedure set forth in subsection 53.9.3.

**SEZ Vegetation**

Species of a plant community indigenous to the Lake Tahoe Region which are commonly associated with the landscape position and land form, soil type, hydrology, elevation, and climate of an SEZ type, such as a wet meadow, mesic meadow, or stream. The plant communities include primary and secondary indicator species listed in Section 53.9.

**Shift of Employment**

See subparagraph 65.5.1.B.14.

**Shoreland**

The distance from the highwater line of Lake Tahoe to the most landward boundary of the littoral parcel, or 300 feet landward, whichever is lesser. In the case where the littoral parcel is a narrow parcel not qualifying for a development right, such as a road right-of-way or a dedicated beach access parcel, the most landward boundary of the adjoining parcel to the littoral parcel or 300 feet shall apply. In the case where a littoral parcel is split by a right-of-way but is considered one project area, the most landward boundary of the project area or 300 feet, whichever is less, shall apply.

**Shoreline**

The highest line normally covered by waters of a lake or body of water. (For Lake Tahoe, the shoreline elevation is 6,229.1 feet Lake Tahoe Datum.)

**Shoreline Protective Structure**

Walls, earthen banks, bulkheads, revetments, or other devices designed to prevent direct erosion or flooding of the backshore by reinforcing the interface between land and water.

**Shorezone**

The area including the nearshore, foreshore, and backshore.

**Shorezone Tolerance District**

Areas with special regulations along the shorelines of Lake Tahoe, Fallen Leaf Lake, and Cascade Lake identified in the 1973 Shorezone Plan for Lake Tahoe and depicted on TRPA Shorezone Tolerance District and Land Capability Overlay Maps. See Chapter 83: *Shorezone Tolerance Districts and Development Standards*.

**Sign**

Any character, letter, figure, symbol, design, model or device or combination of these used to attract attention or convey a message and which is visible from a street, public recreation area, bicycle trail, or from Lake Tahoe. The term includes banners, pennants, streamers, moving mechanisms, and lights.

**Significant Spawning Habitat**

In Lake Tahoe, areas designated on TRPA's Prime Fish Habitat Map as "Spawning Habitat" and, through field examination, confirmed to consist of substrate predominantly comprised of small rock, cobble, gravel, or any combination thereof.

**Significant Soil Disturbance**

Damage to soil structure, chemistry, and biota through compaction, burning, removal or topsoil, soil contamination or other activities, to the degree that there may be reduced vegetation growth, increased surface runoff, or erosion. Soil compaction and other disturbance potential can vary depending upon soil type, rooting depth, soil moisture content, surface litter thickness, and compaction forces.

**Significant Vegetation Damage**

Damage to non-target vegetation such that a vegetation type or plant community does not recover its previous or better water quality and habitat functions and values by the end of the next growing season following tree removal activity. Vegetation damage shall be evaluated through an approved monitoring program containing specific monitoring criteria.

**Silviculture**

The science of forestry; the growing of trees.

**Single Family House**

A detached structure that contains one residential unit.

**Single Occupant Vehicle (SOV)**

See subparagraph 65.5.1.B.15.

**Skidding**

The act of dragging a tree or log along the ground or snow by cable systems or by mobile equipment. See also Section 61.1: *Tree Removal*.

**Skid Trail**

A rough pathway on which logs are skidded.

**Slope Condition**

The condition of the slope located adjacent to the stream channel or edge of the SEZ shall be defined as follows. The extent of existing slope protection, which is defined as the percent cover of original duff layer, down logs, low growing vegetation or rock fragments greater than 1-2 inches in diameter, shall be given primary consideration when determining slope condition.

- A. Good - Slopes show little or no evidence of surface (sheet, rill, gully) erosion or mass wasting. Slopes are typically covered 90 percent or more with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is commonly less than 30 percent. Soil horizons are usually cohesive and consolidated.

- B. Average - Slopes show evidence of surface (sheet, rill, gully) erosion or mass wasting over 5 to 25 percent of the slope surface. Slopes are typically covered between 50 to 90 percent with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is commonly between 30 and 70 percent. Soil horizons are typically moderately cohesive and consolidated.
- C. Poor - Slopes show evidence of active and pronounced surface (sheet, rill, gully) erosion or mass wasting over more than 50 percent of the slope surface. Slopes are typically covered less than 50 percent with original duff layer, down logs, slash, low growing vegetation or rock fragments greater than 1-2 inches in diameter. Slope gradient is often greater than 70 percent. Soil horizons are typically non-cohesive and unconsolidated. Evidence of seeping is often present.

**Snag**

A standing dead tree in some stage of decay that may have biological and structural attributes usable by wildlife. Hard snags are essentially composed of sound wood, especially on the outside and occur in decay classes 2 through 5. Soft snags are in advanced decay and occur in decay classes 6 through 9. (Source: Maser, C., and J. M. Trappe. 1984. "The seen and unseen world of the fallen tree." USDA, Forest Service. Gen. Tech. Rep. PNW-164).

**Soft Land Coverage**

See "Land Coverage."

**Soil**

The unconsolidated mineral or organic material on the immediate surface of the earth that serves as the natural medium for the growth of land plants, detention of sediment and biogeochemical cycling.

**Solid Waste**

Any material defined by the Code of Federal Regulations, Title 40, Protection of Environment (Section 261.2) as a solid waste.

**Source Water**

Water drawn to supply drinking water from an aquifer by a well or from a surface water body by an intake, regardless of whether such water is treated before distribution.

**Spawning Habitat**

An area that attracts, or is capable of attracting, fish for reasons of producing and fertilizing eggs. Spawning areas are typically comprised of rock, cobble, or rubble.

**Special Interest Species**

Animal species for which environmental thresholds have been established.

**Specific Plan**

A comprehensive long-range program for the further development of a facility or area. See Chapter 14: *Specific and Master Plans*.

**Specific Program**

A program adopted by ordinance that provides for discontinuance or modification of a use or structure. See Chapters 21: *Permissible Uses*, and 81: *Permissible Uses and Structures in the Shorezone and Lakezone*.

**Split-Use Unit**

A tourist accommodation unit within a residential design timeshare use which has at least one bedroom and two bathrooms and is constructed such that one or more bedrooms are capable of being rented or leased as a hotel-type tourist accommodation unit separately from the bath and kitchen facilities. A split-use unit constitutes two tourist accommodation units except as set forth in Chapter 13: *Redevelopment Plans*. See “Lock-off Unit.

**Spoil Material**

Any earthen material that remains after a grading or dredging activity.

**Stacked Storage**

Stacked Storage refers to boats that are stored ashore, on racks or other structures either outdoors or inside a storage building, that can be retrieved for launching on demand or by reservation.

**Stationary Source**

A building, structure, facility, or installation that emits or may emit an air pollutant. Building, structure, or facility includes all pollutant-emitting activities which: belong to the same industrial grouping, are located on one or more contiguous or adjacent proper ties, and are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control. Installation includes any operation, article, machine, equipment, or other contrivance which emits or may emit an air pollutant.

**Step Foundations**

Foundations designed to incrementally rise in height in order to conform to the natural ground.

**Stock Cooperative**

A form of subdivision in which the buyers hold their right to occupancy through ownership of stock or membership in a cooperative corporation.

**Stream Corridor Impediment**

A man-made structure, such as a culvert, fence, bridge, or building, that is located in the 100-year floodplain and significantly obstructs or impedes stream hydrologic functions, including fish habitat, stream migration, and riparian vegetation maintenance or establishment.

**Stream Environment Zone**

Generally an area that owes its biological and physical characteristics to the presence of surface or ground water. The criteria for identifying and SEZ is set forth in Section 53.9.

**Street**

A public or private way open to general public use, including all classes of roadways and parking lots, but excluding alleys and driveways.

**Story**

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Basements and non-habitable floor area, such as attics, are not considered a story.

**Stormwater Collection and Treatment System**

Stormwater collection includes ditches, storm drains, and water pipes designed to remove surface runoff and transport it to the location or locations where it will be treated. Streets curbs and gutters can be included as part of the collection system.

Stormwater treatment is the process of improving stormwater runoff quality, reducing runoff volume, and reducing runoff peak flow. Debris and solids are filtered out, followed by a sedimentation process. Water is then infiltrated or discharged from the system into the receiving environment (groundwater table, ponds, streams, waterways, etc.).

### **Structure**

Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, that requires location on the ground or is attached to something having a location on the ground. This includes such things as roads, trails, and earthworks.

### **Structural Diversity**

Diversity in a forest stand resulting from layering or tiering of the canopy.

### **Structural Repairs**

Repairs to those elements of a structure that affect the bearing capacity of the structure, including, without limitation, pier pilings, bracing and supports, bearing walls, rafters, foundations, and base materials under asphalt or concrete.

### **Structure Housing Gaming**

A building or buildings joined together in some definite manner, containing gaming, as defined in Article VI of the Compact.

### **Sub-Alpine Zone**

The sub-alpine zone is all lands above 8,500 feet elevation.

### **Subdivision**

The act or product of dividing, by a legal instrument such as a recorded deed or map, land, airspace, structures, boat slips, or other property into two or more entities, and which entities are recognized, under the law of either state, as separate legal entities for purposes of transfer of title. Subdivisions include, but are not limited to, divisions of real property, improved or unimproved, for the purpose of use, sale, lease, or financing, immediate or future, into two or more condominiums, community apartments, stock cooperatives, lots, or parcels.

### **Substantial Tree Removal**

See subparagraph 61.1.8.

### **Substrate**

The bottom materials of a lake or stream.

### **Superstructure**

A structure within the foreshore or nearshore, other than a handrail, davit, or flagpole but including boathouses, which projects above high water or ground elevation more than five feet.

**Supplemental Compliance Measure**

See subsection 16.3.8.

**Surface Water**

Water produced by rainfall; melting snow; or a spring falling upon, arising from, and naturally spreading over land.

**Surface Water Conveyance**

A man-made drainage way.

**Target Date**

See subsection 16.3.7.

**Temporary Erosion Control**

Temporary devices installed on a site to contain runoff and control erosion from a site.

**Temporary Activity**

An organized event or a commercial activity that does not occur more than four times in a calendar year and that does not exceed fourteen consecutive days in duration. Activities that are within the scope of a primary use are conducted within the project area and that would not otherwise require TRPA review and approval are not deemed temporary activities. Examples of such activities are a golf tournament at a golf course, or a ski race at a ski area.

**Temporary Project**

A temporary use, activity, or structure.

**Temporary Roads**

A class of non-public roads that are used during forest product harvesting, usually for one or two seasons only, and that thereafter are retired from use and restored and revegetated so as to prevent erosion.

**Temporary Structure**

A temporary structure is a structure which is approved for a limited time as set forth in Chapter 22: *Temporary Uses, Structures, and Activities*.

**Temporary Use**

A temporary use is a primary use which does not exceed a period of twelve months.

**Tentative Map**

A subdivision map made for the purpose of showing the design and improvement of a proposed subdivision, and the existing conditions in and around it, which need not be based upon an accurate or final survey of the property.

**Terrace**

A moderately flat land area, above the floodplain, generally less than 20 percent slope.

**Threshold**

See "Environmental Threshold Carrying Capacity."

**Timber Harvesting**

Tree harvesting operations in which the primary purpose is the production of raw material for the forest products industry, or for silvicultural purposes, including Christmas tree harvest.

**Timber Harvest Plan**

A plan issued by TRPA describing the methods to be used in a particular timber harvest, and shall not be provided in lieu of a valid timber harvest plan approved by the California Department of Forestry and Fire Protection under the California Forest Practices Act.

**Third-Order Stream**

A stream formed by the confluence of two or more second-order streams.

**Thrifty**

Young, vigorous trees capable of seeding the area to support continuing forest growth.

**Tour Boat Operation**

Commercial use of a vessel rated by the U.S. Coast Guard for more than 30 passengers, where such passengers board an unboard at a single site.

**Tourist Accommodation**

Uses, facilities, and activities primarily pertaining to the occupation of buildings for eating, sleeping, and living on a temporary basis by persons whose permanent residence is elsewhere.

**Tourist Accommodation Unit**

A unit, with one or more bedrooms and with or without cooking facilities, primarily designed to be rented by the day or week and occupied on a temporary basis.

**Toxic or Hazardous Waste**

Any hazardous product that when disposed of improperly can cause damage to human health or the environment. Examples of hazardous wastes include hazardous wastes generated in quantities that are regulated by state or federal laws; and hazardous wastes generated in small quantities by households and small businesses, which include automotive lubricants and cleaners, paint preservatives and strippers, stain removers, pesticides, and many other products which may be poisonous, flammable, corrosive, reactive, explosive, or cancer causing. The definition includes any hazardous wastes defined by local, state, or federal agencies with jurisdiction in the Tahoe region; and when two or more definitions exist, TRPA will apply the more inclusive definition.

**Tree Removal**

Cutting down, killing, or materially damaging a tree.

**Trip Assignment Pattern**

An estimate of the paths used by vehicle trips to and from a location.

**Trip End**

A trip origin or trip destination. Trip ends, for a location, are the summation of origins and destinations.

**Trip Generation Rate**

The number of motorized vehicle trip ends for a location.



**Trip Reduction Credit**

See subparagraph 65.5.1.B.19.

**Trip Table**

TRPA shall adopt and maintain a trip table for the purpose of estimating the number of vehicle trips resulting from additional development or changes in operation. TRPA shall generate and update the data in the trip table by referring to recent publications on traffic and trip generation (for example, publications of the Institute of Transportation Engineers and California Department of Transportation) and field surveys conducted in the Tahoe region by TRPA or other competent technical experts.

**TRPA**

Tahoe Regional Planning Agency, including the Governing Board and staff.

**TRPA Permit**

A written statement by TRPA of project approval.

**Unit**

A single quantity regarded as a whole in calculation.

**Uncommon Plant Communities**

Plant communities for which environmental thresholds have been established, and other plant communities designated as uncommon and unique.

**Unconfined**

Stream types classified under major categories C (excluding stream type C2), D and E as defined in the report entitled "A Stream Classification System," David L. Rosgen, April 1985.

**Upper Montane Zone**

Lands between 8,500 feet and 7,000 feet elevation.

**Unserviceable**

Unserviceable shall be defined as a structure that can not longer serve the function for which it was designed. In calculating the time period that a structure has been unserviceable, the period of time shall not be counted when TRPA was restrained from accepting applications for repairs to structure in the shorezone due to the preliminary injunction filed on August 9, 1984 in the matter of State of California/League to Save Lake Tahoe v. TRPA.

**Unused Allocation**

A residential allocation that does not mature into actual construction, including, without limitation, forfeited allocations, and case-by-case or prior approvals that expire without construction or where the parcel is sold or donated to an appropriate public entity.

**Urban Areas**

Those areas designated as residential, tourist, commercial/public service, or mixed-use by the plan area statements.

**Urban Interface (also referred to as the Wildland Urban Interface and the Urban Wildland Interface)**

See subparagraph 61.1.4.A.1.

**Urban Recreation**

See "Recreation (Urban)."

**Utility**

A public or quasi-public entity that provides gas, water, electricity, cable TV, telephone, or similar services.

**Vacant Parcel**

A parcel that is undeveloped or unimproved and has no established use.

**Vacation Rental**

A residential unit rented for periods of 30 days or less.

**Vanpool**

See subparagraph 65.5.1.B.20.

**Vegetation**

A collective term for plants.

**Vehicle Emissions Standard**

A specific emission limit allowed for a class of vehicles. The standard is normally expressed in terms of maximum allowable concentrations of pollutants (e.g., parts per million).

**Vehicle Miles Traveled (VMT)**

The total miles traveled by a motorized vehicle, or a number of motorized vehicles, within a specific area or over a specified period of time.

**Vehicle Trip**

A one directional vehicle movement to or from a project area. The number of vehicle trips assigned to a project shall be the total daily vehicle trips to and from the project during its maximum hours of operation for the review period. When exact numbers of vehicle trips are not known for a use, they shall be determined from the trip table or other competent technical information.

**Vehicle Trip Generation**

Residential or tourist accommodation trip generation is the total number of vehicle trips anticipated from persons occupying such units. For commercial and other uses, trip generation is the total number of vehicle trips to and from the project site.

**View Corridor**

A view of Lake Tahoe from a major arterial that is unobstructed by buildings or other structures.

**View Enhancement**

The creation of a new view, or the addition to an existing view of the natural landscape, a view of Lake Tahoe, or a view of a major visual feature that is visible from a scenic threshold roadway travel route as identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory.

**Visible Area**

The surface area of all structures in the shoreland visible from 300 feet offshore and generally perpendicular to and centered on the project area. Surface area blocked by man-made structures in the shorezone shall count as visible area.

**Visible Structure**

A structure with visible area.

**Visual Breaks**

The application of landscaping to man-made structures that result in reducing the contrast and breaking the overall visible area of a structure's façade. This may be achieved by screening with vegetation, rocks, soil, and other natural appearing materials or by using such techniques between detached structures.

**Wall-Mounted Sign**

See "Building Sign" and "Projecting Sign."

**Walkway**

A clearly identifiable gathering area or access path for pedestrians. Walkways are separated from Driveways and Roads with curbing, railings, landscaping, rocks or similar barriers. Walkways include paved and unpaved patios, sidewalks, trails, and paths. Walkways are generally located on the ground but may have elevated sections or bridges

**Waterborne Transit**

Commercial use of a vessel rated by the U.S. Coast Guard for more than 30 passengers, where such passengers board and unboard at different sites.

**Water Breaks**

A ditch, dike, or dip, or combination thereof, constructed diagonally across logging roads, tractor roads, skid trails, and firebreaks so that water flow is effectively diverted therefrom. Water breaks are synonymous with water bars.

**Watercraft**

A waterborne vessel of any type or size including, but not limited to, boats, barges, ferries, yachts, houseboats, floating homes, kayaks, rafts, canoes, personal watercraft, pleasure craft, marine craft, amphibious vehicles.

**Water Crossing or Diversion Structure**

A structure designed to alter or cross any stream, river, or other body of water.

**Watercourse**

A man-made stream of water or a natural stream such as a river, creek, or rivulet.

**Water-Dependent**

A use, activity, or facility that by its very character must be located adjacent to or over water.

**Water Heater**

A device that heats water at a thermostatically controlled temperature for delivery on demand.

**Water Salvage Operations**

Public service use of bringing a vessel or its cargo to the water's surface. For storage of salvage equipment, see "Construction Equipment Storage."

**Water Purveyor**

A private, public, or quasi-public water company, water district, or similar entity, legally empowered to supply or provide water for domestic or other uses.

**Water Quality Control Facilities**

Facilities required for the attainment and maintenance of water quality and related thresholds, such as erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs, and facilities.

**Westside Forest Type**

Those forests west of a line from Brockway Summit to and along the southern boundary between California and Nevada (see Westside and Eastside Forest Type Maps at <http://www.trpa.org/gis/>). The TRPA Westside and Eastside Forest Types GIS data layer delineates the eastside forest types and westside forest types in the region.

**Wet Bar**

A single bar-sized sink and a refrigerator no greater than five cubic feet in size with minimal cabinets and counters. A wet bar shall not include a gas or electric range, stove top and/or oven (not including a microwave oven), a refrigerator in excess of five cubic feet in size, or a standard-sized kitchen sink.

**Wetlands**

Low-lying areas where the water table stands near or above the land surface for a portion of the year. These areas are characterized by poor drainage, standing water, and hydrophytes and include but are not limited to those areas identified in the land capability classification system as Class 1B lands.

**Wood Heater**

A wood-fired appliance, including, but not limited to, a freestanding conventional masonry or prefabricated zero-clearance fireplace; any similar fireplace whose operation requires it to be built into the structure as a component of the building; franklin stove; air tight stove; fireplace insert; or any other stove or appliance designed to burn solid fuel for heating and/or enjoyment purposes.

**Woodstove**

See "Wood Heater."

**Working Days**

Regular TRPA business days excluding weekends and holidays.

**208 Plan**

The Lake Tahoe Water Quality Management Plan ("208 Plan" or "WQMP") is a framework that sets forth the components of the water quality management system in the Tahoe Region, as required by the U.S. Environmental Protection Agency's (U.S. EPA) regulations in 40 C.F.R. Section 130.6, which implements Sections 208 and 303(e) of the Clean Water Act.

Attachment G  
Frequently Asked Questions on the Phase 2 Housing Amendments

## **Attachment G: Responses to Questions and Comments on the Phase 2 Housing Amendments**

### **How will this proposal be implemented with the local jurisdictions? What will apply at the regional level and what will local jurisdictions have control over?**

If approved, changes to the TRPA Code will go into effect 60 days after adoption. Some of the existing area plans set their own development standards for centers and areas zoned for multi-family, while others refer to the TRPA Code. Where area plans defer to the TRPA Code, the changes will be effective 60 days after Governing Board approval. For standards that are set in area plans, and inconsistent following Governing Board adoption of these amendments, the local jurisdiction will have one year to amend their area plan to demonstrate conformity with TRPA standards, consistent with Chapter 13 of the TRPA Code or make alternative amendments, described below. If inconsistent standards have not been amended in the area plan within one year, TRPA can act to amend the applicable policies and provisions.

Local jurisdictions can set alternative height, density, and parking standards from what is proposed in TRPA's Phase 2 amendments through an area plan amendment. However, TRPA will require that any changes to the standards consider the financial impact the alternatives have on building deed-restricted housing in their jurisdiction. If the jurisdiction is reducing density or height standards, or increasing parking requirements, they will need to show reasonable alternative strategies that either reduce the cost to build or provide subsidies to deed restricted units. These alternatives can include, but are not limited to, an approved inclusionary housing ordinance, zoning additional areas for multi-family, providing donated land or other public subsidies, and/or installation of area-wide stormwater systems in preferred affordable and workforce housing areas.

### **How does the proposal change the “achievable” deed-restriction definition?**

In the three different categories of deed-restricted workforce housing bonus units, “achievable” deed restrictions use local employment rather than household income as the criteria for renting or selling. Many of Tahoe’s young professionals and skilled workers are stuck between low-income requirements and being able to afford the median priced home or market-rate rental unit. Having this additional deed-restriction category is critical if housing solutions are going to serve the range of workforce housing needs in the region. “Achievable” deed restrictions have been part of the residential bonus unit program since 2018.

The Regional Planning Committee recently directed staff to propose additional criteria to be added to the “achievable” definition in the code of ordinances that requires the employee’s physical presence within the boundaries of the Tahoe region in order to complete the tasks associated with the employment. This language was modelled after Summit County, Colorado.

The revised definition that will be included in the December 13 Governing Board packet is:

“Achievable” Housing:

Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents who meet one or more of the following criteria:

1. Have a household income not in excess of 120 percent of the respective county's area median income (AMIM) (moderate income households and below); or
2. At least one occupant of the household works at least 30 hours per week or full-time equivalency for an employer with a business license or tax address within the Tahoe region or Tahoe-Truckee Unified School District (TTUSD), including but not limited to public agencies and not-for-profit employers, and which requires the employee's physical presence within the boundaries of the Tahoe region or TTUSD in order to complete the task or furnish the service for an average of at least 30 hours per week on an annual basis, or seasonal basis for seasonal work. Full-time equivalency may be confirmed by employer; or
3. Is a retired person who has lived in a deed-restricted unit in the Tahoe Basin for more than seven years.

The employment requirement may be waived for accessory dwelling units when the unit is occupied by a family member related by birth, marriage or adoption to the owner of the primary dwelling. TRPA may include asset limits for purchasers of deed-restricted homes.

Achievable housing units shall meet the criteria and restrictions in accordance with Chapter 52: *Bonus Unit Incentive Program*.

Achievable deed-restrictions issued before ~~June 26, 2023~~ [date amendments go into effect] may utilize this definition or the definition of "achievable" described in the recorded deed-restriction language in effect from December 20, 2018 to June 26, 2023.

#### **How can we ensure that achievable units won't be built as million-dollar luxury units?**

At the meeting on November 13, RPC directed staff to add additional criteria to the achievable deed restriction that requires the physical presence of an employee within the basin. Additionally, RPC requested that projects submit the anticipated unit size with a comparison to other deed restricted units in the basin early in the permitting process. In addition to these changes, there are several aspects of the current deed restriction that reduce the likelihood:

- A home with an achievable deed-restriction must be used as the occupant's primary residence.
- Homes with deed-restrictions cannot garner the same increases in value over time that a non-deed restricted home can, and the pool of buyers is much more limited. Because the pool of buyers or renters is smaller and restricted to households that qualify based on their income or employment location, TRPA does not anticipate a large demand for these homes from anyone who can afford to purchase an unrestricted home. Nevertheless, TRPA may consider additional, reasonable restrictions that can be added to the achievable definition in the future. Any changes to deed-restrictions must be approved by TRPA.

The achievable definition is targeted at households that do not qualify for affordable or moderate housing but work locally and cannot afford to buy or rent a home. A local employment requirement has been used in other mountain communities, including Summit County and Vail, Colorado. TRPA will continue to adaptively manage deed restrictions and make changes where needed.

**How is the TRPA "beefing up" its deed restriction enforcement? What percentage of deed restricted housing will be audited and by whom?**

TRPA has hired a third-party consultant to assist with deed restriction auditing and enforcement. Housing units that received a TRPA deed restriction after 2018 are required to submit an annual compliance report certifying they are complying with the program requirements. TRPA will audit a minimum of 10 percent of deed-restricted units annually and 100 percent of complaints about deed restricted properties. The TRPA board may direct staff to audit more units annually. TRPA has hired a new staff member to oversee deed restriction monitoring and is actively recruiting for another legal position, a portion of that staff members time will be spent on deed restriction compliance.

**What is the compliance to-date, what enforcement has been done to-date?**

In October of 2018 TRPA passed code amendments that required that all units receiving a bonus unit after December 17, 2018, in exchange for a deed-restriction be part of an annual compliance monitoring program, whereby they must submit a form annually certifying that the home complies with the requirements of the deed-restriction. These amendments also stipulated that bonus unit property owners may be subject to a fine of up to 1/10 of the current cost of a residential unit of use (RUU) annually for failure to submit the compliance report or deed-restriction disclosure form. These units are also subject to complaint-based or random audit in which they are required to furnish documentation demonstrating compliance with the terms of the deed-restriction.

Units that were issued deed-restrictions prior to 2019 are not subject to the annual compliance monitoring requirements, however they may be audited randomly or in response to a complaint, as with the post-2018 deed-restricted units.

All units are subject to penalties for violations identified in the TRPA Compact (Public Law 96-551), and that is that failure to comply with the requirements of a deed-restriction may result in a civil penalty of up to \$5,000 per day for each day the violation persists.

**Annual compliance form:**

Three properties were required to submit the online compliance form by April 15, 2023. All three properties submitted the form and stated that they are in compliance. These results will be certified by the third-party consultant and included in the TRPA's annual Performance Measures report that goes to the board in February of each year.

**Audit and complaint-based enforcement:**

In 2022 and 2023 TRPA sent a reminder letter to all owners of deed-restricted properties noting the terms of their deed-restriction and compliance requirements, followed up in the spring of 2023 by formal letters to owners of 70 properties in Incline Village requesting them to submit documentation to verify program compliance. TRPA sent certified mail responses in June of 2023 to those that had not responded.

This action alone resulted in three homes in Incline Village that were listed for over the allowable amount being removed from the market and resulted in another home price being lowered and ultimately sold within the limits of the allowable sales price.

The third-party consultant is working with TRPA to complete this audit and to make recommendations for next steps. The results will be included in the TRPA's annual performance measures report that will go to the TRPA Governing Board in February.



**How does this proposal relate to developments with mixed use and/or market rate, and/or all three?**

The incentives included in the Phase 2 amendments apply only to mixed-use projects that have commercial uses on the ground floor with 100 percent deed restricted housing above. The commercial component can be no more than 50 percent of the total building square footage.

The proposed amendments would only apply to residential and mixed-use projects that are building 100% deed restricted housing. However, if a local jurisdiction would like to apply these incentives more broadly, for example to residential developments that are building market rate and deed restricted units, they could amend their development standards through an area plan amendment, or creation of a new area plan. The jurisdiction must demonstrate that the alternative standards are at least as effective as TRPA standards in reducing the cost for the construction of deed-restricted affordable, moderate, and achievable housing in the applicable jurisdiction.

**What level of environmental review is required for the amendments? Why is TRPA not preparing an environmental impact statement (EIS)? How does the IEC take into account changes in the region since 2012?**

TRPA follows guidelines and policies adopted by the TRPA Governing Board when assessing the level of environmental review required for a project or action. In this case, the agency has prepared an Initial Environmental Checklist (IEC) to analyze the environmental impacts of the proposed amendments. An IEC is often used to evaluate Regional Plan amendments. If an IEC identifies potential impacts that warrant further analysis and discussion, the agency must prepare an Environmental Assessment, or an EIS.

The Phase 2 Housing Amendments propose to modify development standards for a small portion of the development capacity already authorized. The 2012 and prior Regional Plans authorized residential bonus units to be built in the basin as incentives for certain environmental and community benefits. There are 946 residential bonus units for deed-restricted workforce housing remaining in the pool. No additional units of use will be added to the basin from the proposed policy changes. The findings in the IEC indicate no adverse environmental impacts and an Environmental Impact Statement (EIS) is not required.

While conditions in the Lake Tahoe Region have changed since 2012, none have been significantly different from buildout assumptions and therefore an EIS is not necessary to analyze the proposed changes. Cumulative progress in the basin is always being scientifically monitored. Every four years, TRPA prepares an [Environmental Threshold report](#) that evaluates changes in the basin and the effectiveness of the Regional Plan, which includes conservation programs, Environmental Improvement Program projects, and policies that manage development.

**The Phase 2 proposal only applies to the 946 remaining Bonus Units. Can TRPA replenish these by adding more development later to which these new standards will apply?**

Yes. The Governing Board can always add more bonus units (or other development capacity) but that action will require a public process and its own environmental analysis. For these amendments TRPA is not increasing the total amount of development, but rather working within the existing development cap system.

### **To what income level have bonus units been distributed and to where?**

In 2018 the TRPA amended Section 52.3.1 of the TRPA code to specify that of the remaining 1,124 bonus units, 562 shall be used for affordable income projects, and 562 may be used for moderate and achievable projects. Affordable projects may draw from the moderate/achievable pool, but not the other way around. Since 2018, some key projects that have been either constructed or are in permitting and have either used or reserved bonus units include:

- Sugar Pine Village, South Lake Tahoe – 248 “Affordable” Bonus Units (126 units are in phases that have been acknowledged, remaining units are reserved for a future phase)
- Lake Tahoe Community College Dorms, South Lake Tahoe – 19 “Affordable” Bonus Units (21 “affordable” units are reserved for a future phase, plus 1 “achievable”)
- Dollar Creek Crossings, Dollar Creek – 80 “Affordable” Units
- ADUs – constructed, conditional or acknowledged permits, 12 “achievable” units
- Tahoe City Marina/Boatworks – 8 “moderate” income units (complete)
- 941 Silver Dollar, South Lake Tahoe – 20 “achievable” units (permit acknowledged)
- Alpine View Estates in Tahoe Vista – 4 “achievable” units (permit acknowledged)
- Saint Joseph Community Land Trust Riverside homes – 3 “moderate” units (complete)
- Dollar Creek Crossings, Placer County – 60 “achievable” units (reserved)
- Crossings at the “Y”, South Lake Tahoe – 70 “achievable” units (reserved)

This list is not exhaustive but includes major projects that are using or reserving a significant number of bonus units. Projects do not reserve bonus units until they have submitted a complete application.

### **How will the remaining Bonus Units be distributed?**

Every new unit of use built in the Tahoe Basin requires a development right in order to be permitted. The Regional Plan set caps on the number of development rights allowed in the basin and allocates them to local jurisdictions at a measured rate so that environmental improvements such as stormwater and transportation infrastructure come forward at a similar rate (visit the [Regional Plan progress](#) webpage mentioned above).

Housing units that receive bonus units are required to be built within the Bonus Unit Boundary, an area that encompasses a ½-mile buffer from existing transit and includes town centers and areas zoned for multi-family. There are 946 bonus units left, available on a first come first served basis from the TRPA pool, and of these, many are already reserved for projects that are in the permitting process.

When community plans were created in 1987, 317 affordable housing bonus units were assigned to pools within local jurisdictions. As community plans have been converted into area plans, these assigned bonus units have carried over to area plans. The following table shows the remaining pools of bonus units.

Jurisdiction/Pool	Number
City of SLT	89
Douglas County	67
Placer County	41
Washoe County	120
TRPA Pool – Centers	377

TRPA Pool – Other	104
TRPA Pool – currently reserved for permitted projects	148
<b>Total</b>	<b>946</b>

TRPA Code section 52.3.1 requires that half (562) of the 1,400 bonus units allocated in 2012 be distributed to affordable housing units. The other half are set aside for moderate or achievable units.

### **What outreach was conducted for the Phase 2 Amendments?**

The following outreach was conducted between 2021 and 2023:

- 8 public hearings:
  - October 2021 Tahoe Living Working Group,
  - March 2022 Tahoe Living Working Group
  - July 2022 Governing Board workshop
  - April 2023 Tahoe Living Working Group
  - June 2023 Local Government Housing Committee
  - September 2023 Regional Plan Implementation Committee
  - November 2023 Advisory Planning Commission
  - November 2023 Regional Plan Implementation Committee
- 7 pop-up booths at Farmer’s Markets around the basin, social service organizations, and Live at Lakeview
- 1 public webinar
- 1 public survey
- 8 newspaper columns, 6 newspaper ads
- Over 20 one-on-one meetings with community groups, including community advisory boards

The draft Regional Plan amendments and Code were included in four public hearing packets:

- First code version available in RPIC packet – meeting 9/27, packet released 9/20
- Second code version available in APC packet – meeting 11/8, packet released 11/1
- Third code version available in RPIC packet – meeting 11/15, packet released 11/8
- Final code version will be available in GB packet – meeting 12/13, packet released 12/6

### **Who are the stakeholders working with TRPA to determine housing needs?**

In 2020, the TRPA Governing Board appointed the Tahoe Living Working Group as a committee of the Advisory Planning Commission (APC) to advise TRPA in developing policy and codes as part of the Tahoe Living strategic priority. The 20-member working group consists of representatives with expertise in housing or that are directly affected by the housing issues in the region, including representatives from the affordable housing development community, a community land trust, public lands managers, the builders’ association, the environmental community, social service organizations, community collaboratives, the realtors, and large employers. The Working Group also includes representatives from the TRPA Governing Board, local jurisdiction staff, and the APC. The full Tahoe Living Working Group roster can be found [here](#).

**Where is your stated local housing assessment study? Does it substantiate the need for the "achievable" category? Where does this category come from?**

There have been three needs assessments developed for portions of the basin (South Shore, Placer County, and Washoe County). A summary and link to each individual needs assessment can be found [here](#). The achievable category was adopted by the TRPA Governing Board in 2018 as response to the Mountain Housing Council recommendation that more subsidies were needed for the "missing middle:" households that make too much money to qualify for federally and state subsidized affordable and moderate housing, but not enough to afford a market rate home. According to the needs assessments, 2,735 households need housing units in the affordable category (below 80 percent area median income), 1,512 households need housing units in the moderate category (between 80% - 120 percent area median income), and 1,575 households need housing units in the achievable category (above 120% area median income). The total of these three categories is 5,822.

**What does a typical affordable and moderate workforce unit look like (height, # of rooms, floor plan design)?**

Staff have shown a [series of slides](#) with graphics showing current development standards and a range of other possible scenarios. The slides convey that the cost for construction and the resulting cost to local households changes depending on the development standards in place. Exact rental or sale prices are outside of TRPA's purview, as they are driven by numerous market factors. The presentations show that because the costs to construct are so high under existing development standards, the rents needed to make a project profitable are far above market rents, and builders have no interest in projects that do not provide a profit. The ranges show that with more flexibility in development standards on a parcel more smaller units can be built, hence lowering the construction cost per unit and lowering the rents needed. That makes it more likely that either a private builder will be able to make a project work financially, or that a local jurisdiction can participate in building projects with a lower subsidy. There are a few examples of "achievable" units in Tahoe. All permitted or constructed "achievable" units so far are ADUs, and there are not many to date. Six have completed permitting and two have completed construction.

Other achievable projects in the permitting process include:

- The Crossings at the "Y" in South Lake Tahoe: 70 units at 800 square feet, on average (application incomplete). More information can be found here: <https://parcels.laketahoeinfo.org/Parcel/Detail/023-231-003>
- Alpine View Estates in Tahoe Vista: Four 3-Bedrooms at 1,415 square feet (project acknowledged). More information can be found here: <https://parcels.laketahoeinfo.org/AccelaCAPRecord/Detail/ERSP2020-1404-01>
- 3160 Lake Tahoe Blvd in Dollar Hill: Twenty-four units made up of 1-Bedrooms at 660 square feet, 2-Bedrooms at 891 square feet, and 3-Bedrooms at 1098 square feet (application incomplete). More information can be found here: <https://parcels.laketahoeinfo.org/Parcel/Detail/093-130-026>
- 941 Silver Dollar, South Lake Tahoe: Twenty duplexes and triplexes, 1488 sf each unit (project acknowledged but not constructed). More information can be found here: <https://parcels.laketahoeinfo.org/AccelaCAPRecord/Detail/ERSP2020-1763>

**What "suggested parameters" for rents will be in the ordinance?**

TRPA does not set mandated rental prices because rent is driven by a variety of market factors outside of TRPA purview. However, TRPA suggests using Fair Market Rents by number of bedrooms to develop rents, published by the Housing and Urban Development (HUD) and California Department of Housing and Community Development (HCD). A household is "cost burdened" when they are spending more than 1/3 of the household's gross income on housing. The affordable and moderate-income levels are set at 80% AMI and 120% AMI respectively. The achievable category is based on local employment instead of income, so rent charged will vary depending on a variety of factors including size, location, # of parking spaces, etc. Staff have included suggested rental and sale prices for affordable, moderate, and higher than 120% AMI in the [Residential Bonus Unit Factsheet](#) on the TRPA website.

For example, a 1-person household in the moderate-income category which occupies a studio will need to have a gross income of less than \$6,646 per month. A household which is paying more than 1/3 of their income on housing is considered cost burdened; in this example that would be paying more than \$2,215 per month. Since 2020, staff have included suggested rental and sale prices in the [Residential Bonus Unit Factsheet](#) on the TRPA website.

**In what locations will builders be able to take advantage of the coverage incentives under this proposal?**

Within town centers, projects can have coverage above 70% of the parcel(s) if the runoff from the project parcel(s) can be treated through an area-wide stormwater system. Area-wide stormwater systems are offsite treatments that typically treat water from multiple parcels, rather than treating water on one specific parcel using best management practices (BMPs). As of 2023, town centers with an active area-wide treatment shown in blue on the map [here](#) would be the only areas eligible for the additional coverage. As more area-wide treatment systems are built over time, these areas could expand.

Outside of town centers, projects can get up to 70% coverage of the parcel(s) if the runoff from the parcel(s) is treated through an area-wide stormwater system or treated onsite through BMPs. In order to implement that latter, a public entity must assume responsibility for the monitoring and maintenance of the onsite BMPs and must have an ongoing funding source.

**Explain the reduction in parking requirements in town centers and multi-family zones. Can a developer provide less parking than this? Can they provide more?**

Requiring a set number of parking spaces is a significant barrier to building more affordable types of multi-family housing, according to studies and consultants working with TRPA on housing amendments. Currently, local jurisdictions require 1 to 2 parking spaces per residential unit. The number of spaces can be a fraction when multiple units are proposed, i.e., 1.5 parking spaces per unit. The TRPA proposal would allow a project applicant to construct less than 1 to 2 spaces per unit. However, this does not mean that the developer is not allowed to include parking. In order to construct fewer parking spaces than the 1 to 2 spaces per unit required today, the project applicant would be required to:

- Identify the anticipated parking demand from the project through a parking analysis or information from a similarly situated project or projects, and
- Demonstrate either that adequate parking will be provided, or that the project will implement solutions like shared parking agreements, implementation of car sharing, or contributions to alternative transportation options.

More information on parking can be found in the [memo](#) presented to the Regional Planning Committee in September.

**Why are we focusing on multi-family areas outside of town centers? Isn't development outside of town centers considered sprawl?**

Because town centers are relatively small and typically only encompass commercial areas, the vast majority of vacant, developable parcels that are close to transit are in multi-family areas. These are the areas where "missing middle" housing – duplexes, triplexes, and fourplexes are appropriate. Also, survey responses from an online survey conducted by TRPA using Flashvote indicated that this is the preferred type of development. The 946 remaining bonus units that are the focus of this proposal can already be built within the bonus unit boundary, which is a larger area than town centers and areas zoned for multi-family. The proposed amendments incentivize the buildout of these units in areas closer to transit and evacuation routes thereby reducing the potential effect from these already authorized units.

**Why doesn't TRPA conduct a site-specific analysis to identify opportunity sites within Town Centers rather than the chosen approach?**

TRPA embarked on a process more than two years ago to review and update land use policies in the Regional Plan that are barriers to deed-restricted affordable and workforce housing in the basin. The status quo will result in less affordable and workforce housing units and less infill development and without more innovative policies, the dominance of larger, single-family residences is likely to continue. Conducting a basinwide site-specific analysis and crafting Code only for specific parcels is inefficient and not good planning. Town centers and areas zoned for multi-family have already been identified as areas where higher density is encouraged. These policy changes are already limited to only deed-restricted development in certain areas. Projects that want to take advantage of these incentives must go through the permitting process in which they have to meet requirements showing the project will not degrade viewsheds, natural resources, and public safety. Local governments can put in place alternative standards but they must show that they support the development of deed restricted housing.

**Are subsidies still needed to make these projects financially feasible? If that's the case, then what is the point of these amendments?**

Subsidies will likely still be needed to build housing at the affordable and moderate-income levels. However, these subsidies will be less, and these amendments will likely help facilitate achievable housing without subsidies. This is important because achievable housing does not qualify for the federal and state subsidies. Because public subsidies for any housing at all levels are scarce and competitive, reducing costs will benefit construction of these units in the Tahoe Basin.

**What can we do to reduce barriers for smaller projects (4, 6, 10 units)?**

The proposed amendments are designed to reduce barriers for all deed restricted housing types, including smaller projects. Increasing density and reducing parking requirements have shown to be the biggest impediments to housing projects on smaller lots. More information can be found in the [analysis](#) completed by Cascadia Partners.

**Does the proposal change setbacks?**

No. Setbacks are the minimum distance a building or other structure must be set back from the street, sidewalk, and property lines. Local jurisdictions regulate setbacks ranging from 5 feet to 20 feet on all

sides of the property, which allow for access to underground utilities, adequate distance between properties, and areas for snow storage. The Phase 2 Housing Amendments *do not change current setback requirements*.

The amendments allow greater than 70% land coverage in centers if TRPA and local jurisdiction water quality requirements can be met. However, these amendments would not allow a building to cover 100% of the parcel because setbacks still apply.

The proposal includes “stepbacks” that require that any building height above what is allowed today be stepped back one foot horizontally for each additional foot of vertical height.

### **Will the proposal increase traffic?**

No. The proposal would encourage affordable and workforce housing to be built in town centers and close to transit but would not change the overall amount of development that can be built in Tahoe. The majority of the proposal applies to housing that would be occupied by people already working in Tahoe, either commuting in, in overcrowded conditions, or paying too much for housing. In 2021, about 13 percent of all trips in Tahoe were from commuters to work<sup>1</sup>. This proposal could help reduce or eliminate some of those trips. Individual projects are still subject to individual project review and traffic analysis.

### **Why doesn't TRPA just require employers to provide housing, or more requirements for employers to contribute to housing?**

The Phase 2 Amendments focus on making it more financially feasible to build affordable and workforce housing units for anyone building housing, whether it's a local employer, developer or existing homeowner building an accessory dwelling unit (ADU). Some local governments (e.g., Placer County) and TRPA have imposed requirements for employers to provide housing (e.g., Waldorf-Astoria project recently reviewed by the TRPA Governing Board), however this is not part of the proposed Phase 2 changes. This strategy may be considered in Phase 3 of the Tahoe Living Priority, which begins in 2023.

### **Can't we solve the housing crisis by banning Short Term Rentals (STRs)?**

The central focus of the Tahoe Living strategic priority is to create more affordable and workforce housing that is protected in perpetuity through deed-restrictions. Reducing STR permits does not guarantee housing will be put on the long-term rental market or be affordable to most local workers. Recent studies from within the City of South Lake Tahoe shows that between 10-25% of homes that were STRs converted to long-term rentals or owner-occupied units. Moreover, only 3% of vacation home rentals in Tahoe are currently located in town centers. TRPA's policy amendments are geared to locate more of the region's allowed workforce housing bonus units in walkable, bikeable, and transit-oriented town centers. Additionally, STRs are currently managed and permitted by local governments in the basin. The TRPA Governing Board examined the issue at length not too long ago and ultimately approved adding neighborhood compatibility regulations to the bi-annual residential allocation approval process. All local jurisdictions have STR permitting and enforcement programs and some have put caps on available permits.

<sup>1</sup> TRPA Transportation Model



### **How will evacuation be considered?**

As part of the 2012 Regional Plan environmental review, TRPA conducted an analysis of wildfire risk and its impact on emergency evacuation, considering the amount of growth forecast for the region. This amendment does not propose additional growth, but rather encourages the remaining bonus units to be built in and near centers. Because these are not “new” units, these amendments do not exacerbate wildfire risk from the buildout of new residential housing. New housing developments are subject to fire marshal approval and local building standards that incorporate best practices and materials for home hardening to help withstand fire.

### **How will we ensure that we don’t get large, ugly buildings that don’t fit community character?**

TRPA is not proposing any change to the project-level TRPA and/or local discretionary processes that include design and scenic requirements. These reviews often include review by planning commissions and councils/board of directors, etc. TRPA existing and proposed review include:

- Proposed Code language that requires 1:1 stepback for heights over what is allowed now in town centers, in addition to building articulation and use of earthtone materials.
- Height findings that prevent boxy buildings, ensure the building is consistent with surrounding uses, and minimizes interference with existing views.
- [TRPA Design Guidelines](#) which planners use to improve building design.
- If the project is visible from a scenic corridor, the project must make additional scenic findings that the building will not block views, extend above the forest canopy or ridgeline, or be visible from the lake.

### **What public outreach has been done throughout the fall of 2023?**

In addition to the four public hearings planned for the fall, staff have continued to meet one-on-one with interested groups, have published two articles, one press release, and placed print ads in the Tribune and Sierra Sun over 6 weeks leading up to public hearings.

### **Where is the specific language of the amendments that the public can refer to, to suggest changes?**

The Regional Plan and Code language can be found in previous meeting packets at [trpa.gov](http://trpa.gov) and in Attachment B of the December Governing Board agenda packet.

### **How many people participated in the Innovative Housing Solutions webinar in September?**

87 people participated in the webinar.

### **How many yes, no, and maybes were there when the participants were polled regarding the question of allowing additional (unstated) height for deed restricted housing?**

During the public webinar in September 2023, one of the poll questions asked:

“Are you OK with taller and denser buildings in and near our town centers if it meant that there were more affordable housing options?” The responses are as follows:

- Yes – 30
- No – 19
- Maybe – 8



Attachment H  
Parking Memo

EXHIBIT A

ATTACHMENT \_\_\_\_

Date: September 27, 2023

Subject: Parking Management for Housing Affordability and Complete Communities

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**PURPOSE:**

The Tahoe Region and mountain resort communities across North America are suffering from a crisis of affordability. As market demand for high-end residential development and second homes increases, home and rental prices soar and opportunities for local workers and their families to live in the region diminish. As a result, businesses struggle to remain fully staffed and more workers are forced to live elsewhere, increasing traffic and vehicle emissions while fracturing community character and cohesion. While a range of macro-economic factors contribute to the housing crisis, local and regional development standards impact affordability as well. These include density, height, coverage, development rights, setbacks, parking, and restrictions on subdivision. Taken together, these standards can have a major impact on the cost to construct new middle-income and workforce housing.

Although often overlooked, parking regulations can have significant impacts on community life and housing affordability. In a financial feasibility analysis for TRPA, Cascadia Partners found that reducing parking minimums was necessary to realize the benefit of increased building height and coverage for affordable developments. Cascadia notes that, with existing parking minimums, the expanded building footprint allowed for deed-restricted developments would quickly be consumed by parking, diminishing the benefits of expanded coverage, height, and density allowances for affordable housing.<sup>1</sup> This memo surveys best practices for parking management. This memo also considers prevailing concerns from community members and policy makers regarding the impacts of parking management, and specifically the impacts of removal of parking minimums, on neighborhood street parking, on snow removal, on parking enforcement, and with limited transit service.

**DISCUSSION:**

**High Parking Minimums**

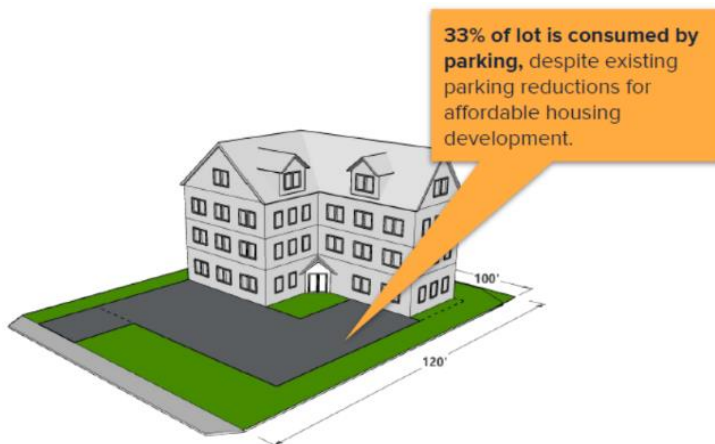
Few regions in the United States better demonstrate the conflict between landscape conservation and auto-oriented land development than our own. Like many American communities, the Tahoe Region saw much of its development occur during the 1960s, when auto-oriented development was the norm. This created a landscape designed for cars rather than people and resulted in insignificant environmental impacts. Also like many American communities, minimum requirements for the number of parking spaces associated with a development (parking minimums) played a role in shaping our auto-oriented land use pattern. There are environmental costs to minimum parking requirements, with runoff from parking lots contaminating waterways, as well as the direct costs of constructing new parking spaces—

<sup>1</sup> Cascadia Partners. "TRPA Proforma Analysis Test Results." March 30, 2022.

roughly \$5,000 per surface space or \$50,000 per space for multilevel garages—which can escalate the cost of development to the point of financial infeasibility. The American Planning Association (APA) cites a movement across cities and small towns in all regions of the United States to reduce or remove minimum parking requirements, noting that even the National Parking Association, the industry trade group for parking operators, officially supports reducing or eliminating parking requirements.<sup>2</sup>

UCLA professor and parking expert, Michael Manville, calls parking minimums a disaster for communities, transferring valuable space from people to cars and transferring the cost of parking from drivers to residents, resulting in “more driving, and less housing.”<sup>3</sup> Donald Shoup’s influential 2005 book, “The High Cost of Free Parking,” argues that “the status quo of minimum parking requirements in the United States subsidizes cars, increases vehicle miles traveled, encourages sprawl and separation of uses, worsens air pollution and greenhouse gas emissions, raises the cost of housing construction and thus the cost of renting or buying a home, prevents pedestrian mobility, and excludes low-income people from participating in the economy.”<sup>4</sup> Thus, according to Shoup, high parking minimums are a contributing factor to many of the social, environmental, and economic problems that TRPA is tasked with addressing through the Regional Plan and Complete Communities Initiative.

Cascadia’s analysis confirms the connection between parking minimums and the high cost of housing in our region, suggesting that current parking minimums in the Tahoe Region are excessive and create a barrier to affordable housing development (see Table 1 for existing local parking minimums). In a



financial feasibility analysis of Kings Beach, Incline Village, and the Ski Run Town Center in South Lake Tahoe, Cascadia Partners found that lowering parking requirements was necessary to realize the benefit of height and parcel-level density allowances for affordable developments, recommending that existing local parking minimums be reduced to 0.75 spaces per unit or eliminated altogether. Significantly, Cascadia found that even with a 20 percent reduction in parking requirements for deed-restricted housing in the Ski Run Town Center, parking still consumed more land coverage than housing.<sup>5</sup>

Manville’s research supports these findings. He notes that parking minimums effectively reduce the number of units for which a parcel is zoned. For example, a parcel which might otherwise accommodate 20 units may only support 15 when parking requirements consume land area and make construction of

<sup>2</sup> American Planning Association. “PAS QuickNotes No. 53: Parking Management.” 2014.

Spivak, Jeff. “A Business Case for Dropping Parking Minimums.” *Planning Magazine*. June 2022.

<https://www.planning.org/planning/2022/spring/a-business-case-for-dropping-parking-minimums/>

<sup>3</sup> Manville, Michael. “How Parking Destroys Cities.” *The Atlantic*. May 2021.

<https://www.theatlantic.com/ideas/archive/2021/05/parking-drives-housing-prices/618910/>

<sup>4</sup> “Planopedia: What Are Parking Requirements?” *Planetizen*. 2023.

<https://www.planetizen.com/definition/parking-requirements>

<sup>5</sup> Cascadia Partners, 2022.

20 units financially infeasible.<sup>6</sup> Therefore, high parking minimums have the dual effect of decreasing the number of units that can be built on a given parcel and increasing the cost per unit.

	Washoe County	City of South Lake Tahoe	Placer County	El Dorado County	Douglas County
<b>Parking Minimum</b>	1.6 spaces/ 1 bdrm 2.1 spaces/ 2+ bdrm 1 space must be enclosed	1 space/ 1 bdrm 2 spaces/2+ bdrm 1 guest space/4 units	2 spaces/DU	2 spaces/DU	2 spaces/DU

Table 1: Existing Local Minimum Parking Requirements in the Tahoe Region.

### The Origins and Costs of High Parking Minimums:

Parking requirements date to the mid-20<sup>th</sup> century when rapid suburban development and use of private automobiles made parking a pivotal local political issue. This coincided with a paradigm shift in urban form from one dominated by active uses on the ground floor with multiple points of pedestrian access—what we may think of as the “Historic Mainstreet”—to auto-dominated sprawl.<sup>7</sup> Parking minimums are usually determined by a formula specific to the intended use of a building, often assigning a minimum number of parking spaces based on the number of bedrooms for residential and floor area for commercial development. Parking minimums are often set too high, particularly for small residential units near centers, because they are based on the outdated assumption that parking issues arise from inadequate supply rather than inefficient management of existing supply.<sup>8</sup>

To meet the cost of high parking minimums, the cost of parking is typically bundled into the cost of development, increasing overall expenses and rents. In fact, parking can be one of the primary factors determining whether a new affordable development has the finances to complete construction.<sup>9</sup> These costs create a feedback loop that harms local land use patterns as well. Since the cost of parking is indirect, consumers use it inefficiently, leading to greater demand for free and abundant parking, higher parking minimums, increasing housing costs, and more land dedicated to cars rather than people. Where land is scarce for parking, structured parking is often offered as a solution, but parking structures add even more to the cost of housing (approximately 12.5% according to a study by Berkeley’s Turner Center for housing).<sup>10</sup> Cascadia found a similar pattern in Tahoe, where standards requiring covered parking in Incline Village significantly increased the cost to develop multifamily housing.<sup>11</sup> Even without covered parking, minimum parking requirements exacerbate the cost burden on working families in the Tahoe Basin. Opticos Design, Inc., in a presentation to the TRPA in 2020, cited a finding that requiring

<sup>6</sup> Skelly, Jack. “California Relaxes Parking Mandates to Free Up Land for Multifamily Development—but Will Neighbors and Lenders Approve?” *Urban Land*. January 2023. <https://urbanland.uli.org/public/california-relaxes-parking-mandates-to-free-up-multifamily-development-but-will-neighbors-and-lenders-approve/>

<sup>7</sup> “Planopedia,” 2023

<sup>8</sup> Litman, Todd. “Parking Management: Innovative Solutions to Vehicle Parking Problems.” *Planetizen*. March 2006. <https://www.planetizen.com/node/19149>

<sup>9</sup> “Planopedia,” 2023.

<sup>10</sup> [A study of affordable housing developments](#) throughout California from UC Berkley’s Turner Center for Housing Innovation found that structured parking added nearly \$36,000 per unit. Other studies show a 12.5% increase in development costs for each parking space.

<sup>11</sup> Cascadia Partners, 2022.

two parking spaces per multifamily unit rather than one increases monthly rents by an average of \$400 per month.<sup>12</sup>

### **Parking Management Best Practices:**

Parking expert Todd Litman suggests that policymakers should view parking issues through a “parking management” rather “parking minimum” approach. Addressing parking demand at the system-level—by increasing efficiency, reducing demand, and improving enforcement and design—leads to more efficient land use outcomes and can address parking’s negative impact on affordability.<sup>13</sup> Parking management solutions have been used throughout the United States, including in small towns and rural communities in the Mountain West. While not exhaustive, the list below summarizes parking management strategies that TRPA and local governments should consider to effectively manage parking while supporting people-centered land use and affordability.

- **Removing Minimum Parking Requirements** — It is important to note that removing minimum parking requirements does not mean no parking. Rather, eliminating minimum parking requirements allows the market to determine parking supply based on need rather than through government mandate. Parking minimums in the United States are typically redundant and require more parking than the market demands, especially for smaller units close to centers and serviced by transit.<sup>14</sup> A study from Los Angeles found that when apartment parking was left to the market, developers built on average less parking than required by parking minimums (1.3 spaces instead of 2). The same study found that developers rarely built no parking at all and tended to build more parking in lower density neighborhoods without transit service. When developers chose not to build new parking, it was in cases where parking already existed and where shared parking or decoupled (see “shared parking and decoupling” below) parking options were available.<sup>15</sup> Ultimately, when the market determines the amount of parking, lenders often have outsized influence in determining parking outcomes and research shows that most lenders are hesitant to invest in projects without adequate parking.<sup>16</sup>

Market-solutions to parking supply are most effective at reducing land dedicated to parking when applied in transit-serviced town centers. Recognizing this trend, the California State Assembly passed AB 2097, abolishing local parking minimums within one-half mile of high-frequency transit stops. The bill does not forbid parking but gives developers the option to build the parking they need for their project to be financially feasible, accounting for resident demand. San Diego has already seen an overall increase in affordable multifamily housing development and greater utilization of the City’s density bonus program since eliminating parking minimums in 2019.<sup>17</sup> Other mountain resort communities have eliminated parking minimums as well including Bend, OR (citywide), Missoula and Bozeman, MT, and Ketchum, ID

<sup>12</sup> Opticos Design, Inc. Presentation to the Local Government and Housing Committee. January 6, 2020.

<sup>13</sup> Litman, 2006.

<sup>14</sup> “Planopedia,” 2023.

<sup>15</sup> Lewyn, Michael. “A Parking Paradox.” *Planetizen*. June 2014. <https://www.planetizen.com/node/69415>

<sup>16</sup> Skelly, 2023.

<sup>17</sup> Secaira, Manola. “California Law Abolishes Parking Minimums for New Developments Close to Public Transit.” *Cap Radio*. October 12, 2022. <https://www.capradio.org/articles/2022/10/12/california-law-abolishes-parking-minimums-for-new-developments-close-to-public-transit/#:~:text=Governor%20Gavin%20Newsom%20has%20signed,of%20a%20public%20transit%20stop>.

(in town centers).<sup>18</sup> As noted above, studies show that reducing parking minimums could have a significant impact on affordability in Tahoe. Additionally, experts note that removing parking minimums has the greatest impact on supporting middle-income or “missing middle” housing types.<sup>19</sup>

Nevertheless, alternatives to private automobiles are important to realizing the full benefit of public investment as well as the land use and housing benefits of market-based parking supply. Lake Tahoe communities have invested in transit and the Regional Transportation Plan continues to call for expansion of the region’s transportation network, including both transit and active transportation options. Success of the Regional Transportation Plan relies on complementary land uses that place people with a propensity to walk, ride bikes, and take transit near those transportation investments. High parking minimums diminish the value of the public investment in transit by directing scarce land resources to auto-oriented uses, missing opportunities for transit ridership. Local and regional policymakers are designing town centers to support alternative transportation through updated land use policies and increased investment in transit services. Removing parking minimums in town centers should be considered alongside other land use strategies to support active pedestrian centers in Tahoe.

- **Parking Maximums**—Parking maximums go a step further by setting a cap on the number of parking spaces provided by a development. The APA notes that eliminating minimum parking requirements, particularly in town centers, and instituting parking maximums has become common practice among a diverse range of American communities.<sup>20</sup> A survey by Strong Towns found many examples, including in small towns and rural communities, where policymakers adopted parking maximums. Examples in the Mountain West include Lyon County, Nevada, Elwood, Utah, Laramie, Wyoming, and Helena, Montana.<sup>21</sup> The lakeside mountain resort town of Sandpoint, Idaho serves as another relevant example. After Sandpoint removed parking minimums downtown, they quickly saw the expansion of local businesses and new maximums freed up space for other small businesses and housing in the town center.<sup>22</sup> Tahoe communities may consider setting parking maximums at the local-level in their town centers to support active, people-oriented land uses.
- **Shared Parking and Decoupling**—Market-based parking supply can be combined with decoupling and shared parking to maximize the efficiency of land dedicated to parking.<sup>23</sup> Decoupling removes the cost of parking from the cost of housing by charging for parking as a separate benefit. This could include locating parking off-site or sharing the parking demand among multiple developments through shared parking models. Decoupling has the benefit of “unlocking” underutilized parcels that would otherwise be undevelopable under conventional

<sup>18</sup> Herriges, Daniel. “Announcing a New and Improved Map of Cities that Have Removed Parking Minimums.” *Strong Towns*. November 2021. <https://www.strongtowns.org/journal/2021/11/22/announcing-a-new-and-improved-map-of-cities-that-have-removed-parking-minimums>

<sup>19</sup> Skelly, 2023.

<sup>20</sup> American Planning Association, “PAS No. 53.”

<sup>21</sup> Herriges, 2021.

<sup>22</sup> Reuter, John. “Why Parking Minimums Almost Destroyed My Hometown and How We Repealed Them.” *Strong Towns*. November 2017. <https://www.strongtowns.org/journal/2017/11/22/how-parking-minimums-almost-destroyed-my-hometown-and-how-we-repealed-them>

<sup>23</sup> Litman, 2006.

parking standards and utilizing otherwise underutilized existing parking, eliminating the need to dedicate scarce land resources to new parking.<sup>24</sup>

Similarly, shared parking models recognize that existing parking is typically not designed to maximize efficiency. For example, residential parking is often underutilized during the day, while office parking is largely empty in the evenings. Shared parking models recognize the parking behaviors associated with different land uses and seek opportunities to share parking facilities when possible. The APA describes a range of options for instituting shared parking arrangements, including collecting fees from developers in lieu of private parking to construct shared public parking, reduced parking minimums based on proximity to shared parking facilities, and provisions to allow shared parking among multiple uses with different peak demand. These policies are known to promote “park once” environments in town centers.<sup>25</sup> In the Tahoe Region, ski resort parking lots could provide a major source of parking supply to relieve parking pressure in the summer months.

- **Parking Benefit Districts**—Like decoupling, parking benefit districts treat neighborhood street parking as a paid benefit rather than a public right. Local governments work with residents to set boundaries for paid parking districts in neighborhoods, providing parking permits for residents, charging non-residents, and using revenues to support enforcement.<sup>26</sup> Benefit districts have been successfully implemented in Santa Fe, NM where tourism pressure threatened limited parking supply in neighborhoods.

### Other Considerations

The following concerns were identified through discussions with local jurisdiction staff and the community when reductions to parking standards were suggested. TRPA and local governments should consider these issues when developing parking management policies.

- **ADA Parking Requirements**—the Americans with Disabilities Act sets requirements for design of accessible parking spaces and the ratio of accessible parking spaces to standard parking spaces in a development. For example, lots with up to 25 spaces must provide 1 accessible space, lots with up to 50 spaces must provide 2 accessible spaces, etc. These requirements are established by federal law. Developers and municipalities must comply with ADA standards regardless of local parking standards.<sup>27</sup> In a market-based parking supply scenario, whatever parking is provided must comply with ADA ratios for accessible parking.
- **Snow Removal and Storage**—In many Tahoe communities, excess parking spaces in lots and on the streets serve as locations for winter snow storage. There are concerns that the potential loss of excess parking for snow storage could lead to parking shortages in the winter. In a conversation with TRPA staff, planners from the City of Sandpoint, Idaho stated that they have not witnessed a noticeable conflict between snow and parking management since repealing parking minimums in their town center. Sandpoint planners see short term rentals, not parking minimums, as the primary source of parking conflict during winter months. Sandpoint enforces one-sided street parking between October and April to accommodate snow removal and

<sup>24</sup> Skelly, 2023.

<sup>25</sup> American Planning Association, “PAS No. 53.”

<sup>26</sup> Halbur, Tim. “Rethinking Parking.” *Planetizen*. July 2009. <https://www.planetizen.com/node/39833>

<sup>27</sup> U.S. Dept of Justice, Civil Rights Division. “Accessible Parking Spaces.” <https://www.ada.gov/topics/parking/>

storage on public rights-of-way. The City also requires that private developers show how they will store snow on site. Similarly, Helena, Montana's parking manager stated that private developers must show how they will remove or store snow on site regardless of parking requirements and that conflict with illegally parked boats and RVs pose a greater challenge to snowplows than limited street parking.

- **Neighborhood Spillover and Enforcement**—Relaxing or removing parking minimums often raises concerns that market-based parking supply will lead to a parking shortage and spillover into neighborhoods. However, studies find that without parking minimums the market develops adequate parking to meet demand and that spillover is even less of an issue in car dependent communities where parking is already overabundant due to greater land availability and higher demand for parking.<sup>28</sup> Nevertheless, parking management strategies like benefit districts can prevent neighborhood spillover.
- **Transit and Parking Reduction**—Alternatives to private automobiles are important to realizing the full land use and housing benefits of parking management. One challenge communities face is the need to build transit options simultaneously with reducing parking requirements. Tahoe, like many smaller communities, currently has hourly transit headways while more frequent transit is planned for in the future, when town center housing densities are high enough to support the higher ridership needed for these higher frequencies. This raises a classic chicken-and-egg scenario: we need people-centered land use in town centers to support transit service, but successful people-centered land uses depend on quality transit service. This scenario requires that land uses anticipate the planned transit and align parking requirements accordingly.

<sup>28</sup> Lewyn, 2014.