

## **CHAPTER 13: REDEVELOPMENT PLANS AREA PLANS**

### **Overview of Proposed New Chapter**

- Based on the revised Goals and Policies, this chapter creates a new process by which local, state, federal, and tribal governments, including TRPA, may prepare Area Plans that conform with the Regional Plan. Following a determination of conformity, TRPA may transfer development review authority so that specified developments will be reviewed only by other governments under the Area Plans, rather than by TRPA under the Regional Plan. Through this program, TRPA would become more of a true “regional” agency that sets regional development goals and standards with less direct permitting of development. Rather, TRPA would serve primarily as an oversight agency to ensure local governments properly implement or “conform” to the Regional Plan. Large developments would continue to be reviewed directly by TRPA.
- The content of this chapter is intended to define the basic requirements and procedures of a Regional Plan “conformity” review process.
- The current content of Ch. 13: *Redevelopment Plans* has been deleted as obsolete. Other new code provisions encourage redevelopment in town centers, regional centers, and the High-Density Tourist District.

### **11.10.13.1. PURPOSE<sup>6</sup>**

13.1.1. In order to be responsive to the unique circumstances of communities of the region, the Agency finds that there is 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 provide equal or greater protection to the environmental and other resources protected under the Regional Plan. The development of Area Plans is intended to support the update and consolidation of planning documents in the region.

~~11.10.1.~~ 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 are thus exempt from TRPA review and approval, allowing such activities to be implemented through the terms and procedures of a conforming Area Plan. 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.

### **11.11.13.2. 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.

<sup>6</sup> Text is based generally on proposed changes to LU-4.6 that address the general reasons and need for an Area Plan option.

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### 13.3 Relationship to Existing Regulations 13.4.1 Development of Area Plan is Optional

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<sup>7</sup>**

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<sup>8</sup>**

#### **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 choose to not adopt an Area Plan shall continue to be subject to all plans, policies, and regulations in the Regional Plan and this Code.

#### **13.4.2. Initial Statements of Intent to Develop an Area Plan<sup>9</sup>**

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

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

#### **13.5.1. General**

An Area Plan shall consist of applicable policies, maps, ordinances, and any other related materials identified by the lead agency, sufficient to demonstrate that these measures, together with TRPA ordinances that remain in effect, are consistent with and

<sup>7</sup> This section more broadly addresses the issue raised by the policy changes to LU-4.2, 4.3, and 4.4 that states that plan area statements, community plans, and master plans are in effect until superseded by an TRPA-approved Area Plan.

<sup>8</sup> Text is based, in part, on proposed changes to LU-4.11 that address the general

<sup>9</sup> Text is based on proposed changes to LU-4.5 regarding a statement of intent for Area Plans.

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13.5.2 Relationship to Other Sections of the Code

conform to TRPA's Goals and Policies and all other elements of the Regional Plan. In addition to this Section 13.5, additional specific requirements for the content of Area Plans are in subsection 13.6.4.A. The Memorandum of Understanding (MOU) that is associated with an approved Area Plan is a separate, but related, approval and is not part of the Area Plan.

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

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

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

**A. Minimum Development Standards<sup>10</sup>**

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	Residential	Mixed-Use	Tourist	Town Center Overlay	Regional Center Overlay	High-Density Tourist District Overlay
Height	N/A	Sec. 37.4				Sec. 37.4	Sec. 37.4	Up to 4 stories (56 ft) max. [1]	Up to 6 stories (95 ft) max. [1]	Up to 197' max. [1]
Density SFD	Sec. 31.3									
Density MFD	N/A	Sec. 31.3				[2] 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							[3]		

<sup>10</sup> In addition to implementing the proposed changes to LU-4, this table incorporates proposed changes to CD-2.1 that allow greater height limits in town centers, regional centers, and High-Density Tourist Centers than permitted outside such areas.

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13.5.3 Development and Community Design Standards for Area Plans

TABLE 13.5.3-1: MINIMUM DEVELOPMENT STANDARDS FOR AREA PLANS

<u>Regional Land Use Districts</u>	<u>Wilderness</u>	<u>Backcountry</u>	<u>Conservation</u>	<u>Recreation</u>	<u>Residential</u>	<u>Mixed-Use</u>	<u>Tourist</u>	<u>Town Center Overlay</u>	<u>Regional Center Overlay</u>	<u>High-Density Tourist District Overlay</u>
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[1] With adoption of an Area Plan, including special provisions to ensure compatibility with adjacent uses and viewshed protection.  
 [2] Except Area Plans may identify higher-density areas adjacent to town centers, regional centers, and the High-Density Tourist District and in other areas permitted by the Regional Plan.  
 [3] Plan for sidewalks, trails, and other pedestrian amenities providing safe and convenient non-motorized circulation within the town center, regional center, High-Density Tourist District, as applicable, and incorporating the Regional Bike and Pedestrian Plan.

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

**1. Alternative Comprehensive Coverage Management Systems<sup>11</sup>**

An Area Plan may propose a comprehensive coverage management system as an alternative to the parcel-level coverage requirements outlined in Sections 30.4.1 and 30.4.2, provided that the alternative system shall: 1) reduce the total coverage and not increase the cumulative base allowable coverage in the area covered by the comprehensive coverage management system, and 2) reduce the total amount of coverage and not increase the cumulative base allowable coverage in Land Capability Districts 1 and 2. For purposes of this provision, "total" coverage is the greater of existing or allowed coverage. See also Section 30.4.3: *Land Coverage Requirements for Conforming Area Plans.*

**2. Alternative Parking Strategies<sup>12</sup>**

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;

<sup>11</sup> Text is based on proposed changes to LU-2.1.4, specifically subsection I.

<sup>12</sup> Text is based on IM T-8 that addresses changes to T-8.1 to 8.3.

- 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<sup>13</sup>**

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 shown to achieve equal or greater effectiveness and efficiency at achieving water quality benefits to certain site-specific BMPs and must infiltrate the 20-year, one-hour storm;
- b. Plans should be developed in coordination with TRPA and applicable state agencies;
- 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.

**4. Alternative Transfer Ratios for Development Rights<sup>14</sup>**

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<sup>15</sup>**

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

**2. Urban Forestry<sup>16</sup>**

In Area Plans, lead agencies are encouraged to develop and enforce urban forestry strategies that seeks to reestablish natural forest

<sup>13</sup> Text is based on WQ-3 IMs associated with policies WQ-3.11 and WQ-3.12 approved on January 31, 2012.

<sup>14</sup> Text is based on IM LU-3 for transfer ratios approved January 10, 2012.

<sup>15</sup> Text is based on policy changes to WL 1.5.

<sup>16</sup> Text is based on policy changes to V 1.1.1.

conditions in a manner that does not increase the risk of catastrophic wildfire.

**3. Development and Subdivision of Tourist, Commercial, and Residential Uses<sup>17</sup>**

An Area Plan may allow the development and subdivision of tourist, commercial, and residential uses in the Recreation District outside the Urban Area if found in conformance with the Regional Plan.

**D. Community Design Standards<sup>18</sup>**

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**

All new development shall consider site design that includes, at a minimum:

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

**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:

<sup>17</sup> Text is based on an implementation measure that addresses changes to LU-3.

<sup>18</sup> The standards in this subsection are taken from the proposed changes to CD-2.1. Note that there is a mix of "shalls" (mandatory standards) and "shoulds" (voluntary guidelines) for individual project design.

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- 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 town centers, regional centers, and the High-Density Tourist District, 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:

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

## **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<sup>19</sup>**

#### **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. Approval of Area Plan by TRPA<sup>20</sup>**

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. 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.

<sup>19</sup> Text is based on proposed changes to LU-4.6 regarding the local adoption process for Area Plans.

<sup>20</sup> Text is based on proposed changes to LU-4.7 regarding the Governing Board's procedure for approving Area Plans. Discussion is necessary with the RPU Committee to clarify the intent behind the implementation measure – specifically, whether review and a hearing by the APC is required prior to the GB hearing and decision. Text should be clarified following committee discussion.



#### **13.6.4. 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,<sup>21</sup> and also the following specific review standards:

##### **A. General Review Standards for All Area Plans<sup>22</sup>**

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 Regional Land Use Map, including any amendments to the 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 town centers, regional centers, and the High-Density Tourist District ;
6. Preserve the character of established residential areas outside of town centers, regional centers, and the High-Density Tourist District, 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 town centers, regional centers, and the High-Density Tourist District 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.

<sup>21</sup> This introductory text is intended to make clear that the Governing Board still has to make the general findings for approving a project and/or amendments to the Regional Plan.

<sup>22</sup> Text is based on proposed changes to LU-4.8 regarding the general criteria for conformance review of Area Plans.

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

**B. Additional Review Standards for Area Plans with Town Centers or Regional Centers<sup>23</sup>**

In addition to the requirements of subparagraph A above, submitted Area Plans that contain town centers or regional centers 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 regional centers, 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 regional centers, and to other major activity centers;
3. Use standards within town centers or regional centers 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 regional centers;
5. Identify an integrated community strategy for coverage reduction and enhanced stormwater management; and
6. Demonstrate that all development activity within town centers and regional centers will provide Threshold gain, including but not limited to measurable improvements in water quality.

**C. Additional Review Standards for Area Plans within the High-Density Tourist District<sup>24</sup>**

In addition to the requirements of subparagraph A 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 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.

<sup>23</sup> Text is based on proposed changes to LU-4.9 regarding specific criteria for conformance review of certain Area Plans.

<sup>24</sup> Text is based on proposed changes to LU-4.10 regarding specific criteria for conformance review of certain Area Plans.

**13.6.5. Conformity Review for Amendments to Area Plans<sup>25</sup>**

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 Governing Board for conformity with the requirements of the Regional Plan. The Governing Board shall make the same findings as required for the conformity finding of the initial Area Plan, as provided in subsection 13.6.4; however, the scope of the 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.

**13.6.6. Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan<sup>26</sup>**

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 13.6.4; 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.

**13.6.7. 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 exempt from TRPA

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<sup>25</sup> This section recognizes that governments will be amending Area Plans over time and that there needs to be a process by which TRPA monitors such changes to ensure that conformance with the Regional Plan is maintained. Confirm with RPU Committee whether APC review and recommendation is required prior to GB hearing and decision. Is there an opportunity for distinguishing major and minor plan amendments (with the latter perhaps going on a consent agenda)?

<sup>26</sup> Similar to the previous section, this address the process for maintaining Area Plan conformity when TRPA makes changes to the Regional Plan that need to be reflected in the Area Plans as well.

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

**13.7.2. Contents of MOU<sup>27</sup>**

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 exempt from TRPA review and approval, as well as a clear statement defining the projects over which TRPA will retain development review responsibility;
- B. 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;
- C. 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;
- D. Statement of how the MOU for the Area Plan will relate to any existing MOUs that the lead agency government has with TRPA; and
- E. 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<sup>28</sup>**

Projects and matters that meet one of the following criteria and that are also identified in Section 2.2.2 as requiring approval by the Governing Board or Hearings Officer shall not be exempt from TRPA review and approval in Area Plans:

- A. Located within the High-Density Tourist District;
- B. Located within the Shorezone of Lake Tahoe;
- C. Located within the Conservation District; and;
- D. Any new building floor area meeting the criteria in the following table:

<b>TABLE 13.7.3-1: THRESHOLDS FOR GOVERNING BOARD REVIEW OF PROJECTS IN CENTERS</b>			
<i>(All measurements are new building floor area.)</i>			
	<b>Regional Center</b>	<b>Town Center</b>	<b>Not in Center</b>
<b>Residential</b>	≥ 200,000 sq. ft.	≥ 100,000 sq. ft.	≥ 50,000 sq. ft.

<sup>27</sup> The requirements of this section are a mix of new text and modifications to new text proposed to LU-4.

<sup>28</sup> Text is based on proposed changes to LU-4.1.2 regarding limits on the transfer of permit authority to other governments.

<b>Non-residential</b>	<u>≥ 100,000 sq. ft.</u>	<u>≥ 50,000 sq. ft.</u>	<u>≥ 25,000 sq. ft.</u>
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**13.7.4. Concurrent Review of Area Plan and MOU<sup>29</sup>**

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 exempt from TRPA review shall be prescribed by ordinance immediately following MOU approval.

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

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 lapse and have no effect for purposes of this code. Lapsed Area Plans may be resubmitted for approval.

**13.8. MONITORING, CERTIFICATION, AND ENFORCEMENT OF AREA PLAN<sup>30</sup>**

**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 in 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 area. 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).

<sup>29</sup> These final three subsections are based on proposed changes to Land Use policies and discussions with staff. Further discussion is needed.

<sup>30</sup> Text is based on proposed changes to LU-4.12 regarding maintaining conformance of Area Plans and on the staff report regarding this topic.

**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,<sup>31</sup> 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 the agency 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.

**11.12. PURPOSE**

~~This chapter sets forth the provisions for development and adoption of redevelopment plans pursuant to the Goals and Policies and as provided for in the plan area statements.~~

<sup>31</sup> The language here has been changed from “nonconformities” to “discrepancies” because the former already has a different meaning in the Code.

**11.13. APPLICABILITY**

~~This chapter authorizes and shall apply only to redevelopment plans that utilize the provisions of this chapter. Eligible redevelopment plan areas shall be in adopted community plans that are predominantly urbanized (subsection 13.3.1), blighted (subsection 13.3.2), and designated in the applicable plan area statement as eligible for redevelopment plans or as specifically authorized as a demonstration plan by this chapter (Section 13.12). Only public entities empowered by applicable state law to engage in redevelopment may propose redevelopment plans and projects. Following adoption of a redevelopment plan, projects within the redevelopment plan boundaries shall be consistent with the provisions of the redevelopment plan. Adoption of a redevelopment plan shall not be construed as approval of a project included in the redevelopment plan.~~

**11.14. DEFINITIONS**

The following terms are defined as set forth below:

**11.14.1. Predominantly Urbanized Area**

~~An area in which not less than 80 percent of the privately owned property in the redevelopment plan area has been or is currently developed for urban uses.~~

**11.14.2. Blighted Area**

~~An area characterized by properties that suffer from economic dislocation, deterioration, or disuse because three or more of the following factors cause a reduction or lack of proper utilization of the area to such an extent that the blight constitutes a serious physical, social, environmental, or economic burden on the community that cannot reasonably be expected to be reversed or alleviated by private enterprise acting alone:~~

- ~~A. The existence of parcels of irregular form and shape and inadequate size for proper usefulness and development;~~
- ~~B. The layout of parcels in disregard of the contours and other topographical or physical characteristics of the ground and surrounding conditions;~~
- ~~C. The existence of inadequate public improvements, public facilities, open space, and utilities that cannot be remedied by private or governmental action without redevelopment;~~
- ~~D. A prevalence of depreciated values, impaired investments, and social and economic maladjustment; and/or~~
- ~~E. The existence of substandard public or private facilities or improvements, insufficient open space, poor scenic quality, insufficient transportation systems, air quality problems, or insufficient water quality protection systems, such that there is noncompliance with the applicable environmental threshold-carrying capacities.~~

**11.14.3.—Urban Uses**

~~Uses classified in Chapter 21: *Permissible Uses*, as residential, tourist accommodation, commercial, public service, urban recreation, or similar uses commonly found in urban areas.~~

**11.14.4.—Redevelopment Project Area**

~~A designated project area, including contiguous, adjacent, and noncontiguous parcels, that is a predominantly urbanized and blighted area within a redevelopment plan area and which project area is established through land assembly with public assistance. The redevelopment plan shall select and designate a main project area consisting of contiguous and adjacent parcels. Parcels not contiguous or adjacent to the main project area designated in the redevelopment plan may be considered as part of the redevelopment project area if:~~

- ~~A.—The public benefits related to the noncontiguous parcels are integrated throughout the redevelopment project area;~~
- ~~B.—The noncontiguous parcels are within the same watershed;~~
- ~~C.—Each noncontiguous parcel contains structures covering at least 70 percent of the parcel;~~
- ~~D.—The noncontiguous parcels are assembled with public assistance; and~~
- ~~E.—The project area receives substantial public assistance.~~

**11.14.5.—Redevelopment Plan Area**

~~A contiguous area of land that has been found by TRPA to be in an adopted community plan that is predominantly urbanized, blighted, and is designated in the applicable plan area statement as eligible for redevelopment plans.~~

**11.14.6.—Irrevocable Commitment**

~~For purposes of this chapter, irrevocable commitment to fund each priority public benefit or related mitigation measure pursuant to subparagraphs 13.11.4.D and E (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;~~



## CHAPTER 13: REDEVELOPMENT PLANS AREA PLANS

### 1.1 Establishment of Redevelopment Plans

#### 1.1.1 Goals and Policies

- ~~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.~~

#### **11.15. ESTABLISHMENT OF REDEVELOPMENT PLANS**

~~Adopted redevelopment plans shall be established on the TRPA Plan Overlay Maps pursuant to Chapter 10: TRPA Regional Plan Maps, and in the Regional Plan for the Lake Tahoe Basin, Special Plans.~~

#### **11.16. ELIGIBILITY**

~~Plan areas not designated as eligible for redevelopment plans may be so designated if the Governing Board makes the following findings prior to amending the plan area statement to make it eligible for redevelopment plans:~~

##### **11.16.1. Goals and Policies**

~~A redevelopment plan in the plan area would be consistent with the Goals and Policies.~~

##### **11.16.2. Community Plan Designation**

~~An adopted community plan designates a predominantly urbanized and blighted area within the plan area for redevelopment.~~

##### **11.16.3. Elimination of Blight**

~~Redevelopment is the most effective way to eliminate blight in the designated area and has been demonstrated by professionally prepared economic studies to be financially feasible.~~

##### **11.16.4. Conditions of Dislocation and Maladjustment**

~~Redevelopment will relieve conditions of economic, social, or environmental dislocation or maladjustment and would not create new unmitigatable economic, social, or environmental impacts.~~

#### **11.17. TIME LIMITS**

~~Redevelopment plans shall take effect upon adoption and shall remain in effect until amended or revoked by TRPA.~~

**11.18. — RELATIONSHIP TO PLAN AREA STATEMENTS AND COMMUNITY PLANS**

**11.18.1. — Plan Area Statements**

~~A redevelopment plan shall be consistent with applicable provisions of plan area statements as they may be amended from time to time.~~

**11.18.2. — Community Plans**

~~No redevelopment plan shall be adopted unless it is consistent with and within an adopted community plan.~~

**11.19. — RELATIONSHIP TO GOALS AND POLICIES AND THE CODE**

~~Redevelopment plans shall be consistent with the Goals and Policies and with the Code, as they may be amended from time to time.~~

**11.20. — REDEVELOPMENT PLAN STANDARDS**

~~All projects within a redevelopment plan area shall be subject to the standards of this chapter and to the standards of the Code applicable to projects within an adopted community plan except as follows:~~

**11.20.1. — Redevelopment Project Areas (Contiguous and Adjacent Parcels)**

~~Redevelopment project areas that contain contiguous and adjacent parcels may elect to be subject to the provisions of Section 13.10.~~

**11.20.2. — Redevelopment Project Areas (Noncontiguous Parcels)**

~~Redevelopment project areas that contain noncontiguous parcels shall be subject to the provisions of Section 13.10.~~

**11.20.3. — Individual Projects Not in a Redevelopment Project Area**

~~Projects not in a redevelopment project area shall not be subject to the provisions of Section 13.10.~~

**11.20.4. — Projects in a Redevelopment Project Area**

~~A tourist accommodation project may elect to use the provisions of subsection 13.12.4 provided TRPA finds that the tourist accommodation project will result in a significant environmental improvement and an appropriate redirection of development, and the tourist accommodation project meets the following criteria:~~

- ~~A. — The project consists of 100 or more split-use tourist accommodation units;~~
- ~~B. — The 100 or more units will be created through a transfer or reconstruction of existing units of use;~~
- ~~C. — The project is within both an adopted redevelopment plan and community plan; and~~
- ~~D. — The project is deemed a redevelopment project under state and local laws.~~

**11.21. SPECIAL REDEVELOPMENT PROJECT AREA STANDARDS**

In addition to other provisions of the Code, the following site development standards apply to projects within redevelopment project areas:

**11.21.1. Land Coverage Limitations**

A redevelopment project area shall be considered the "project area" for purposes of implementing the land coverage requirements of Chapter 30: *Land Coverage*, and this subsection except for the provisions relating to demonstration redevelopment project areas in subsection 13.12.3. The permissible land coverage within redevelopment project areas shall be calculated in accordance with the subparagraphs below:

**A. Commercial/Public Service Uses**

In redevelopment project areas redeveloped for primarily commercial or public service use, total existing land coverage shall be reduced by 15 percent if existing land coverage is 70 percent or less. An additional reduction of one percent for each two percent of land coverage exceeding 70 percent shall be required if the land coverage exceeds 70 percent. The following table contains example calculations:

TABLE 13.10.1-A: LAND COVERAGE LIMITATIONS FOR COMMERCIAL/PUBLIC SERVICE USES		
Existing Land Coverage	Required Reduction	Net Land Coverage
70% or less	15%	59.5% or less*
75%	17.5%	61.9%
80%	20%	64%
85%	22.5%	65.9%
90%	25%	67.5%
95%	27.5%	68.9%
100%	30%	70%

\*Net land coverage shall not be more restrictive than the Bailey Coefficients.

**Example: Land Coverage Calculation for Commercial/Public Uses**

Project has 80% existing coverage:

Required Reduction: 15% + 1% (10% ÷ 2%) = 20%

Net Coverage: 80% x 20% = 16%; Then: 80% - 16% = 64%

**B. Tourist/Multi-Residential Uses**

For redevelopment project areas redeveloped primarily for tourist accommodation or multi-residential use, the total existing land coverage shall be reduced by 25 percent if existing land coverage is 50 percent or less. An additional reduction of one percent for each two percent of land coverage

exceeding 50 percent shall be required if the land coverage exceeds 50 percent. The following table contains example calculations:

<b>TABLE 13.10.1-B: LAND COVERAGE LIMITATIONS FOR TOURIST/MULTI-RESIDENTIAL USES</b>		
<b>Existing Land Coverage</b>	<b>Required Reduction</b>	<b>Net Land Coverage</b>
50% or less	25%	37.5% or less*
60%	30%	42%
70%	35%	45.5%
80%	40%	48%
90%	45%	49.5%
100%	50%	50%

\*Net land coverage shall not be more restrictive than the Bailey Coefficients.

**Example: Land Coverage Calculation for Tourist / Multi-residential Uses**

Project has 80% existing coverage:

Required Reduction:  $25\% + 1\% (30\% \div 2\%) = 40\%$

Net Coverage:  $80\% \div 40\% = 32\%$ ; Then:  $80\% - 32\% = 48\%$

**C. Mixed Uses**

The land coverage reduction requirements for mixes of uses identified in subparagraphs A and B above shall be adjusted based on the proportion of the gross floor area utilized for the categories of use. Uses not included in subparagraphs A and B shall not be included in the calculations to determine the proportion.

**Example: Land Coverage Calculation for Mixed Uses**

The redevelopment project area proposes 10,000 (33%) square feet of commercial floor area and 20,000 (66%) square feet of tourist accommodation floor area. The existing land coverage is 80 percent.

The reduction without mixed use for commercial would be 20 percent (see example for 80% land coverage in subparagraph A) and 40 (see example for 80% land coverage in subparagraph B) percent for tourist.

**11.21.2. Density**

For the purpose of calculating maximum permissible densities, the entire redevelopment project area shall be considered the "project area" pursuant to Chapter 31: Density. Approval of projects within a redevelopment project area shall be subject

**CHAPTER 13: REDEVELOPMENT PLANS AREA PLANS**

1.1 Redevelopment Plan Process

1.1.1 Grading Standards

~~to the special use findings in subparagraphs 21.2.2.A and B, unless the same findings are made and adopted as part of the redevelopment plan.~~

**11.21.3.—Grading Standards**

~~Basement excavation may be permitted as an additional exception to the provisions in subparagraph 33.3.6.B if the basement will not create groundwater interference. Basements shall be designed and constructed such that no damage occurs to mature trees, including root systems and hydrologic conditions of the soil, that are determined to be necessary for the screening of the building. To ensure protection of the trees necessary for screening, a special tree protection report shall be prepared by a qualified professional that identifies measures required to ensure damage will not occur to mature trees as a result of basement excavation or construction.~~

**11.21.4.—Relocation of Development**

~~Relocation of development within a redevelopment project area shall be considered the same as a relocation of development on a single parcel and shall not be subject to the provisions of Chapter 51: *Transfer of Development*.~~

**11.21.5.—Best Management Practices**

~~Permanent BMPs, including retrofitting, shall be required for the entire redevelopment project area as a condition of approval of any project in the redevelopment project area.~~

**11.21.6.—Merger of Redevelopment Project Area**

~~The parcels within the redevelopment project area shall have recorded against them a deed restriction or other covenant running with the land that permanently assures the calculations for land coverage, density, parking, height, and impact mitigation for the parcels shall always be made as if the parcels had been legally merged.~~

**11.21.7.—Transfer of Redevelopment Retirement Requirement**

~~Notwithstanding subparagraph 51.5.2.F, projects that rely on transfer of existing development shall demonstrate prior to occupancy adequate sewer capacity and unit of use retirement pursuant to Section 51.6.~~

**11.22.—REDEVELOPMENT PLAN PROCESS**

~~Public entities eligible to prepare redevelopment plans pursuant to applicable state law shall develop redevelopment plans in accordance with the following procedures:~~

**11.22.1.—Selection of Redevelopment Plan Area**

~~The public entity, in cooperation with TRPA, shall select a proposed redevelopment plan area, including boundaries, consistent with applicable state law and this chapter. TRPA shall determine that the area is suitable for redevelopment consistent with this chapter prior to commencement of the preliminary plan. The public entity shall submit studies or such other information as TRPA may reasonably require to demonstrate the economic feasibility of proceeding with a preliminary redevelopment plan for the area~~

~~and the economic and environmental benefits that may be obtained from the proposed redevelopment.~~

**~~11.22.2. Preparation of Preliminary Redevelopment Plans~~**

~~Upon selection of a redevelopment plan area in accordance with subsection 13.11.1, the public entity shall prepare, in cooperation with TRPA, a preliminary redevelopment plan. A preliminary redevelopment plan shall contain the following information:~~

- ~~A. An environmental assessment (EA) prepared in accordance with subsection 3.4.1, including sufficient information as may be required by TRPA to allow TRPA to evaluate the proposed changes in land use and the environmental impacts that may result;~~
- ~~B. A description of the proposed redevelopment plan area boundaries and project area boundaries including a preliminary determination of that areas are blighted and urbanized;~~
- ~~C. A general statement of the proposed land uses, anticipated development, proposed targets and objectives related to attainment and maintenance of environmental thresholds, layout of the principal streets and transportation patterns, and a general description of the standards to be used for redevelopment of the area;~~
- ~~D. A general statement of how the proposed redevelopment plan shall conform to the provisions of the Goals and Policies, the applicable plan area statements, the Code, and the environmental thresholds;~~
- ~~E. A general description of the provisions for existing and new affordable housing and the expected impact of the proposed redevelopment plan on the residents of the redevelopment plan area and surrounding neighborhoods;~~
- ~~F. A statement of how the preliminary plan differs from and conforms to the adopted community plan, including a reevaluation of items required by subparagraphs 12.7.3.A through G, inclusive, and other items prescribed by TRPA as appropriate to deal with new or changed circumstances arising subsequent to the adoption of the community plan;~~
- ~~G. An economic feasibility and needs assessment;~~
- ~~H. Such other information as TRPA may reasonably require to evaluate the proposed redevelopment plan; and~~
- ~~I. Reasonable provisions for public participation, including notice to and comment by affected property owners and residents.~~

**~~11.22.3. Action on Preliminary Redevelopment Plans~~**

~~The APC shall review preliminary redevelopment plans and make recommendations to the Governing Board. The Governing Board shall review and approve, deny, or modify the preliminary redevelopment plan. Approval of a preliminary plan shall be construed only as approval to proceed and analyze a final redevelopment plan and shall not obligate TRPA to any future approval of a final plan. Upon approval of a preliminary~~

## CHAPTER 13: REDEVELOPMENT PLANS AREA PLANS

### 1.1 Redevelopment Plan Process

#### 1.1.1 Preparation of Final Redevelopment Plans

~~redevelopment plan, the applicant shall have five years to submit a final redevelopment plan in accordance with subsection 13.11.4. If a final plan is not submitted within five years, a new preliminary plan shall be required prior to submittal of a final redevelopment plan.~~

#### **11.22.4.—Preparation of Final Redevelopment Plans**

~~In addition to compliance with applicable state laws, final redevelopment plans shall be consistent with the approved preliminary redevelopment plan, shall comply with subparagraphs 12.7.3.A through G, inclusive, and shall include the following:~~

- ~~**A.**— A program and schedule for bringing all roadway and shoreline units, or segments thereof, that are located within a redevelopment plan area into attainment with the scenic resources travel route rating thresholds. The schedule shall demonstrate that threshold attainment is feasible on or before July 1, 2007. Redevelopment plans shall contain design guidelines with which all subsequent projects within the redevelopment plan area shall conform. Such guidelines shall be equal to or superior to those adopted by TRPA;~~
- ~~**B.**— A description of the proposed methods of financing the redevelopment projects that shall be part of the final redevelopment plan;~~
- ~~**C.**— A description and schedule of the mitigation measures and public benefits that shall be required to be implemented as a part of the plan;~~
- ~~**D.**— A list and schedule of priority public benefits and related mitigation measures that shall be required to be implemented to attain the identified environmental targets;~~
- ~~**E.**— For each redevelopment project, a list of related mitigation measures and priority public benefits required as conditions of approval;~~
- ~~**F.**— A plan and schedule to implement Best Management Practices as set forth in Chapter 60: *Water Quality*, to all parcels within the redevelopment plan area;~~
- ~~**G.**— A program to ensure that affordable housing is provided as part of a redevelopment plan to the extent required by applicable state law and to meet the needs created by redevelopment projects. Redevelopment shall not cause any loss of affordable housing units without replacement of such units with as many or more affordable units and in equivalent or better structural condition;~~
- ~~**H.**— A program to ensure that the redevelopment plan shall not result in a net increase in the amount of land coverage existing within the redevelopment plan area prior to adoption of the redevelopment plan;~~
- ~~**I.**— A redevelopment plan shall address the use of parcels or other lands from which development or development rights are transferred. A redevelopment plan shall also include revegetation and maintenance of the open spaces that are created as a result of the transfers;~~
- ~~**J.**— A recreation needs assessment that shall identify existing recreational needs within the redevelopment plan area and any additional recreational needs~~

**CHAPTER 13: REDEVELOPMENT PLANS AREA PLANS**

1.1 Redevelopment Plan Process

1.1.1 Process for Final Redevelopment Plans

~~created by the redevelopment plan, and a recreation development program and schedule that meets the identified needs; and~~

- ~~K. — Such other information as TRPA may reasonably require to review and approve the final redevelopment plan.~~

**11.22.5. — Process for Final Redevelopment Plans**

~~Final redevelopment plans shall be processed in accordance with the following provisions:~~

**A. — Referral to Advisory Planning Commission**

~~The APC shall review and make recommendation to the Governing Board prior to adoption of a final redevelopment plan. The APC shall consider the recommendations and comments of the local government, other responsible public agencies, and the public. APC review, to the extent possible, shall be coordinated with local government review procedures.~~

**B. — Governing Board Action**

~~The final redevelopment plan shall be considered as a regional plan amendment and the Governing Board shall approve, deny, or modify the final redevelopment plan.~~

**11.22.6. — Findings for Adoption**

~~Prior to adopting a redevelopment plan and in addition to any other required findings, TRPA shall find:~~

- ~~A. — The plan is consistent with the Goals and Policies;~~

- ~~B. — The plan is consistent with the Code;~~

- ~~C. — The plan is consistent with the applicable plan area statement and adopted community plan;~~

- ~~D. — The plan is consistent with the adjacent PASs or any inconsistencies are identified and evaluated and measures specified to correct the inconsistencies;~~

- ~~E. — The plan does not propose the development of residential units, tourist accommodation units, commercial floor area, recreational PAOTs, or other projects in excess of applicable limits set forth in the Regional Plan;~~

- ~~F. — The plan is substantially more likely to result in progress toward the attainment and maintenance of environmental threshold carrying capacities than the adopted community plan;~~

- ~~G. — Affordable housing is provided as part of a redevelopment plan to the extent required by applicable state law and to meet the needs identified in subparagraph 13.11.4.G;~~

- ~~H. — The redevelopment plan will not result in a net increase in the amount of land coverage existing within the redevelopment plan area prior to adoption of the redevelopment plan;~~



**CHAPTER 13: REDEVELOPMENT PLANS AREA PLANS**

1.1 Redevelopment Plan Process

1.1.1 Security for Improvements

- ~~I. The redevelopment plan includes the programs and schedules required by subsection 13.11.4 and the redevelopment plan demonstrates attainment of the targets and requirements of subsection 13.11.4;~~
- ~~J. The provisions of subsection 13.11.7 regarding security for improvements have been met in regards to subparagraph 13.11.4.E; and~~
- ~~K. The redevelopment plan, in conjunction with other adopted plans and programs of TRPA, will attain and maintain thresholds.~~

**11.22.7. Security for Improvements**

~~Redevelopment plans shall ensure that redevelopment projects for which a related mitigation measure or priority public benefit is required to be implemented as a condition of approval (collectively referred to in this subsection as “measures specified in subparagraph 13.11.4.D and E”) shall guarantee implementation of such measures as follows:~~

**~~A. Project Funding~~**

~~Prior to the commencement of construction of any project that relies on the use of a measure as specified in subparagraph 13.11.4.D and E, the public entity submitting the redevelopment plan shall demonstrate for each project that it has obtained or secured an irrevocable commitment to funding the public improvements specified in 13.11.4.D and E.~~

**~~B. Project Completion~~**

~~For each irrevocable commitment, the public entity submitting the redevelopment plan shall provide sufficient evidence of intent and ability to complete the measures.~~

**~~C. Project Approval~~**

~~TRPA shall require as a condition of approval of any project that relies on the use of a measure as specified in subparagraph 13.11.4.E, that plans for such measure shall be approved by all agencies of jurisdiction prior to commencement of construction of the redevelopment project.~~

**11.22.8. Redevelopment Plan Amendments**

~~Amendments to redevelopment plans shall be subject to the applicable provisions of this chapter.~~

**11.22.9. Concurrent Plans**

~~The preparation and adoption of a redevelopment plan may be done concurrently with the preparation and adoption of a community plan or amendments to a community plan.~~

**11.22.10. Redevelopment Agreements**

~~TRPA may enter into agreements with redevelopment agencies, redevelopment project proponents, and other parties as deemed necessary to implement an adopted redevelopment plan.~~

**CHAPTER 13: REDEVELOPMENT PLANS AREA PLANS**

1.1 South Lake Tahoe Demonstration Redevelopment Plan

1.1.1 Eligible Areas for Demonstration Redevelopment Plan and Necessary Findings

**A. Adoption of Agreements**

~~Such agreements shall be processed as memoranda of understanding in accordance with Chapter 2: *Applicability of the Code of Ordinances*.~~

**B. Relationship to TRPA Plans and Ordinances**

~~All agreements shall be consistent with the Code, Regional Plan, the redevelopment plan, and other TRPA plans and ordinances. Such agreements shall not limit TRPA's authority to adopt, amend, and enforce TRPA plans or ordinances.~~

**C. Scope of Agreements**

~~TRPA may establish special review procedures, conditions of approval, security provisions, and related matters pursuant to a redevelopment agreement.~~

**11.23. SOUTH LAKE TAHOE DEMONSTRATION REDEVELOPMENT PLAN**

~~As a demonstration redevelopment plan, TRPA may, prior to the adoption of a community plan, adopt a redevelopment plan for the Stateline to Ski Run areas of South Lake Tahoe. Redevelopment projects within this demonstration plan area relying on the provisions of this chapter, but not relying on community plan incentives, may be approved prior to adoption of the community plan for the affected area provided TRPA makes the following findings:~~

**11.23.1. Eligible Areas for Demonstration Redevelopment Plan and Necessary Findings**

~~TRPA may approve demonstration redevelopment for those areas of Plan Areas 089B (California South Stateline Resort Area), 091 (Ski Run) and 092 (Pioneer/Ski Run) which are eligible pursuant to Section 13.5 and 12.4 as shown on the preliminary redevelopment plan map approved by the South Lake Tahoe Redevelopment Agency on June 28, 1988. Prior to adoption of the South Lake Tahoe Demonstration Redevelopment Plan and prior to approval of additional building height pursuant to subsection 13.12.5, TRPA shall make the following findings:~~

~~**A.** That a 2000 feet linear park and bikeway is provided as part of the plan.~~

~~**B.** That the Stateline site project is on the landward side of Highway 50, adjacent to a cluster of high rise buildings where there is a high floor area ratio (approximately 1.0), provides a transition in height from high rise to low rise, and is 50 percent lower in height than the adjacent high rise building.~~

~~**C.** That public open space in the demonstration redevelopment plan area is being provided by redevelopment projects consolidating development in the same jurisdiction through design and room retirement of which 80 percent is occurring within the redevelopment plan area.~~

~~**D.** That additional public access to Lake Tahoe and 10,000 square feet or more of additional public beach are being provided by redevelopment projects.~~

~~**E.** That additional public access to Lake Tahoe through marina facilities is being provided by redevelopment projects.~~

- ~~F. That additional open views of Lake Tahoe from Highway 50 of at least 150 feet of width of view corridor, exclusive of existing public rights of way are being provided by redevelopment projects.~~
- ~~G. That at least four acres of additional wetlands or SEZ restoration are being provided by redevelopment projects.~~
- ~~H. That a project is located next to a major water/land transportation interface and both hotel projects are in close proximity to a major ski area.~~

~~11.23.2. Special Process~~

~~The City of South Lake Tahoe Redevelopment Agency may elect to process the demonstration redevelopment plan as otherwise set forth in this chapter or as follows:~~

- ~~**A. Preparation and Approval of a Preliminary Demonstration Redevelopment Plan**  
The requirements for preparation and approval of the preliminary plan shall be waived.~~
- ~~**B. Preparation of Final Demonstration Redevelopment Plan**  
The final demonstration redevelopment plan shall be prepared by the South Lake Tahoe Redevelopment Agency consistent with the requirements of Subparagraphs 13.11.4.A through K, inclusive and subsection 13.11.7, except that the requirements of Subparagraphs 12.7.3.A through G, inclusive may be deferred until adoption of the community plan.~~
- ~~**C. Final Plan Approval**  
The final demonstration redevelopment plan shall be reviewed and approved in accordance with subsections 13.11.5, 13.11.6, and 13.11.7. Prior to adopting the demonstration redevelopment plan, the Governing Board shall make the findings in subparagraph 13.12.2.D.~~
- ~~**D. Findings for Adoption**  
Prior to adopting the final redevelopment demonstration plan, TRPA shall find:
  - ~~1. The plan is consistent with the Goals and Policies;~~
  - ~~2. The plan is consistent with the Code;~~
  - ~~3. The plan is consistent with the applicable plan area statement and any other plans and programs of TRPA;~~
  - ~~4. The plan is consistent with the adjacent PASs, or any inconsistencies are identified and evaluated and measures specified to correct the inconsistencies;~~
  - ~~5. The plan does not propose the development of residential units, tourist accommodation units, commercial floor area, recreational PAOTs or other projects, in excess of applicable limits set forth in the Regional Plan;~~~~

- ~~6. Affordable housing is provided as part of a redevelopment plan to the extent required by applicable state law and to meet the needs identified in Subparagraph 13.11.4.G;~~
- ~~7. The redevelopment plan shall not result in a net increase in the amount of land coverage existing within the redevelopment plan area prior to adoption of the redevelopment plan;~~
- ~~8. The redevelopment plan is consistent with 13.11.4.A through K, except that the requirements of subparagraph 12.7.3.A through G need not be met;~~
- ~~9. The provisions of subsection 13.11.7 have been met in regards to subparagraph 13.11.4.D and E; and~~
- ~~10. The redevelopment plan in conjunction with other adopted plans and programs of TRPA shall attain and maintain thresholds.~~

### ~~11.23.3. Demonstration Redevelopment Project Area~~

~~For purposes of complying with aggregated density (13.12.8) and land coverage retirement requirements (13.10.1), a demonstration redevelopment project area may utilize parcels outside the demonstration redevelopment plan or project area. Parcels outside the demonstration redevelopment plan or project area shall have a deed restriction, or other covenant running with the land, recorded against the parcels which restricts the use to open space and permanently assures that the calculations for land coverage and density shall always be made as if the parcels had been legally merged with the project area parcels.~~

### ~~11.23.4. Transfer of Development~~

~~The following special provisions apply to transfer of existing development in conjunction with the demonstration redevelopment plan. These special provisions are based upon the implementation of the public priority benefits in subsection 13.12.7.~~

- ~~A. Notwithstanding subsection 51.6.7, parcels located in land capability districts 4, 5, 6, or 7 from which development or development rights have been transferred, shall be restricted by deed restriction or other covenant running with the land, recorded by the owner. This restriction shall limit the units of use to any remaining until or unless the parcel is used for transportation improvements, water quality improvements, public outdoor recreation and day use areas, or affordable housing.~~
- ~~B. For purposes of determining compliance with unit of use transfer ratios and for determining density calculations under subsection 13.10.2, a tourist accommodation unit (TAU) which is capable of a separate rental of a portion of the unit (i.e., split-use unit with lock-off unit) shall be deemed two TAUs. A split-use unit with a lock off unit may be deemed to constitute 1.5 tourist accommodation units subject to the following provisions:
  - ~~1. A project utilizing this transfer ratio shall have a deed restriction, or other covenant running with land, recorded against the project which restricts rental of the lock-off units to no more than 50 percent of the lock-off units per day.~~~~

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- ~~2. A project utilizing this transfer ratio shall implement and enforce a program of unit rentals which insures that the number of lock-off units rented separately shall not exceed, on a per day basis, 50 percent of the total number of lock-off units. The program shall include an adequate mechanism for reporting actual use to TRPA for monitoring purposes.~~
- ~~3. In the event the project retires TAUs in a ratio of greater than 1.5:1 (units retired to units built), the deed restriction limiting the percentage of lock-off units rented per day shall be amended proportionately to insure that the rental restriction corresponds to the retirement ratio (e.g., 40 percent rental restriction for 1.6:1 retirement ratio).~~
- ~~C. For purposes of this section only, an existing residential unit may be retired in lieu of a tourist accommodation unit at the 1:1 ratio required for retirement of tourist accommodation units.~~

**11.23.5. Additional Height for The South Lake Tahoe Demonstration Project**

~~In addition to the heights permitted in Chapter 37: Height, the TRPA may approve additional height within the South Lake Tahoe Demonstration Project Area for no more than two projects, as follows:~~

**A. Areas Eligible for Additional Height**

~~Eligible areas for additional height are the Ski Run Site (the portion of Bijou Park Subdivision containing lots 14 through 85) and the Stateline Site (property designated "State of California, Book 986, Page 195" and "Parcel 3" shown on that certain Record of Survey recorded at File Number 155400 Official Records of Douglas County, Nevada).~~

**B. Additional Height for Tourist Accommodation**

~~TRPA may approve additional building height above the base height limit of 24 feet, notwithstanding the height limitations of Sections 37.1, 37.2, 37.3, 37.6.2, and 37.7 for a building whose primary use is tourist accommodation, if the building is located in an eligible area pursuant to A above; findings 1, 3, and 7 in Section 37.7 are made by TRPA; the building is of natural hues, utilizing textured materials and is compatible with the traditional rustic resort style of the Lake Tahoe Region; the additional height is based upon the demonstration project providing sufficient benefits in accordance with subparagraph C below, and substantial contributions shall have been made by the project proponents to achieve those benefits.~~

**1. Addition of Benefits**

~~The additional height permissible under this subsection shall be calculated by identifying the benefits provided by the demonstration project and then totaling the number of feet attributable to the benefits. The additional height shall be added to the base height of 24 feet and assigned to the affected building(s).~~

**2. Maximum Height Limits**

~~The maximum height of a tourist accommodation building shall not exceed 75 feet for the Ski Run Site and not exceed 95 feet for the Stateline Site.~~

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~~3. **Timing**~~

~~Any benefit for which additional height is claimed by any project pursuant to this subsection shall be included in the list of required measures pursuant to Subparagraph 13.11.4.E and compliance with provisions of subsection 13.11.7 shall be required.~~

~~C. **Benefit List for Additional Height**~~

~~The following list of benefits shall be used to calculate additional height for tourist accommodation buildings pursuant to Subparagraph B above.~~

~~1. **Additional Height for Stream Environment Zone Restoration or Creation of Artificial Wetland**~~

~~For restoration or creation of two acres of previously disturbed stream environment zone or artificial wetland, TRPA may approve an additional forty feet of building height provided:~~

- ~~a. The artificial wetland is capable of water quality treatment functionally equivalent to a stream environment zone of a similar size;~~
- ~~b. The restored stream environment zone or artificial wetland is within a watershed partially within the boundaries of the redevelopment plan;~~
- ~~c. TRPA conditions of approval ensure permanent maintenance of the required stream environment zone restoration or artificial wetland prior to construction of the building; and (iv). The credit shall not be given for SEZ restoration otherwise required by subsection 30.5.2.~~

~~2. **Additional Height for View Corridors**~~

~~For providing a minimum 150 foot wide open space corridor addition, excluding existing road right of way, that provides views of Lake Tahoe from a scenic quality threshold travel route unit, TRPA may approve an additional ten feet of building height. If the additional view corridor is in excess of 150 feet, TRPA may approve one foot of additional height, not to exceed ten feet total, for each additional 15 feet of road way length on Highway 50 adjacent to the project from which Lake Tahoe is visible. The maximum additional height permissible under this paragraph is 20 feet.~~

~~3. **Additional Height for Setbacks**~~

~~For each minimum 100 feet of building setback along the entire lake front of the redevelopment project area, TRPA may approve an additional ten feet of building height. The setback shall be measured from the high water line and the setback shall be clear of buildings. In the case where the setback is a 100 feet plus a portion of a 100 feet, e.g. 150 feet, the bonus height shall be proportional to the ten foot bonus, e.g. 15 feet. The maximum additional height permissible under this paragraph is 30 feet.~~

**4. ~~Additional Height for Public Access to Lake Tahoe~~**

~~For each 50-foot wide (average, not less than 30 feet, measured landward from the high water line) by 200-foot long area of additional public beach provided by a project proponent, TRPA may approve an additional 30 feet of building height. In allowing a height increase pursuant to this provision, TRPA shall require placement of improvements such as public restrooms, picnic tables, litter collection devices, and signs directing the public to the beach. The maximum permissible height permissible under this paragraph is 30 feet.~~

**5. ~~Additional Height for Roof Design~~**

~~If the building has 40 percent or more of all facades in sloping roofs, TRPA may approve an additional five feet of building height for that building.~~

**11.23.6. ~~Environmental Targets~~**

~~The demonstration redevelopment plan shall demonstrate the ability to achieve the following targets:~~

**A. ~~Air Quality and Traffic~~**

~~The following air quality and traffic targets shall be achieved within the redevelopment area:~~

**1. ~~Attain the following carbon monoxide (CO) standards:~~**

~~a. 7 ppm CO (8-hr. avg.) by the year 2005.~~

~~The demonstration redevelopment plan may consider all proposed redevelopment improvements and programs plus projected changes in fleet mix and reduced vehicle emissions due to federal requirements. All measures used by redevelopment plans to attain the CO standards shall be documented.~~

~~2. Traffic volumes shall be reduced to no greater than 21,400 vehicles between 4:00 p.m. and midnight at the Park Avenue and Highway 50 intersection for a peak winter day by 1991. The demonstration redevelopment plan may consider all proposed improvements and programs included in the redevelopment plan, but shall not be credited with any externally caused changes, whether negative or positive, from the conditions in 1981.~~

~~3. Upon completion, the demonstration project shall result in a reduction of 732 vehicle trip ends from 1987 levels.~~

**B. ~~Water Quality~~**

~~The following water quality targets shall be achieved in the redevelopment plan area:~~

~~1. Application of BMPs to all parcels within the demonstration project area upon completion of the project. Retrofit the remaining parcels in the redevelopment plan area pursuant to subparagraph 13.11.4.F.~~

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~~2. Implementation of projects, or their equivalent, as set forth in the TRPA Water Quality Capital Improvement Program (CIP) by 2005.~~

~~3. TRPA discharge standards as set forth in Chapter 60: *Water Quality*.~~

~~**C. SEZ Restoration**~~

~~Restoration or creation of four acres of SEZ or artificial wetlands. If restoration of SEZ or creation of artificial wetlands is not feasible, other equivalent measures shall be required by TRPA.~~

~~**D. Scenic**~~

~~Implementation of scenic improvements on portions of scenic quality threshold roadway travel route units in the redevelopment plan area needed to attain the thresholds rating of 16, as the rating system would apply if the Highway 50 corridor within the redevelopment plan area were to be considered as a single roadway travel route unit.~~

~~**E. Recreation**~~

~~Provide at least the following recreational facilities:~~

~~1. 2000 feet of Class I bike trail; and~~

~~2. 10,000 square feet of public beach with 200 linear feet of lake frontage.~~

~~**F. Noise**~~

~~The Ski Run Marina shall not provide storage, moorage, or launching of marine craft that exceed the single event noise standards.~~

~~**11.23.7. Required Priority Public Benefits and Related Mitigation Measures**~~

~~The following benefits and measures shall be included in the lists required by Subparagraphs 13.11.4.D and E.~~

~~**A. Subparagraph 13.11.4.D List**~~

~~The following items shall be included on the list.~~

~~1. Fair share contribution to the implementation of the TRPA Short Range Transit Plan in accordance with Memorandum of Understanding Creating a Public/Private Partnership To Mitigate Traffic and Air Quality Impacts by Implementing Certain Elements of the TRPA Short Range Transportation Plan;~~

~~2. Drainage Basin "A 2" for the Pine Boulevard Area as shown on the South Lake Tahoe Redevelopment Design Plan Drainage Concept Plan;~~

~~3. Tahoe Meadow Linear Park Improvements Including Bike Trail, Fencing and Landscaping;~~

~~4. Creation of 70 Affordable Housing Units Through Rehabilitation and New Construction; and~~

~~5. Establish a Revolving \$600,000 Loan Fund for Housing Rehabilitation~~

~~**B. Subparagraph 13.11.4.E List**~~

~~The following items shall be included on the list.~~



- ~~1. Site Acquisition for Ski Run Boulevard View Corridor and Ski Run Beach;~~
- ~~2. Drainage Basin "B" for the Stateline Area as shown on the South Lake Tahoe Redevelopment Design Plan Drainage Concept Plan;~~
- ~~3. Drainage Basin "E" in the Ski Run Area as shown on the South Lake Tahoe Redevelopment Plan Concept Drainage Plan;~~
- ~~4. Open Space Acquisition of the Linear Park/Wetland Area for the Ski Run Area as shown on the South Lake Tahoe Redevelopment Concept Drainage Plan;~~
- ~~5. Open Space Plaza on Highway 50 at the Embassy Site;~~
- ~~6. Ski Run Park Improvements Near the Ski Run Marina;~~
- ~~7. Transit Coordination of Shuttle Service Provided by Private Businesses and STAGE;~~
- ~~8. Improvements on Public Beach Access Such as Restrooms, Picnic Tables, Signs and Litter Collection; and~~
- ~~9. Mitigation Projects Required by the Conditions of Approval of Redevelopment Projects to Reduce Impacts to a Less Than Significant Level.~~

#### ~~11.23.8. Density Calculations~~

~~If a redevelopment project is reviewed pursuant to Chapter 13, is within the demonstration redevelopment plan area, and includes non-contiguous parcels, at least one mile apart, with functionally separate tourist accommodation uses, then density calculations for the functionally separate tourist accommodation uses may be made separately for the non-contiguous parcels. Further, subject to the foregoing limitations, density for a tourist accommodation use which contains lock-off units shall be calculated as follows:~~

- ~~A. The split use tourist accommodation units shall be subject to the density limits for tourist accommodation units with kitchens (i.e., 15 units/acre) except that the lock-off units contained within the split-use units shall be subject to the density limits for tourist accommodation units without kitchens (i.e., 40 units/acre).~~

**Example:**

~~210 units (each with a lock-off unit) 210 units w/kitchens at 15 units/acre = 14 acres~~

~~210 units w/o kitchens at 40 units/acre = 5.25 acres~~

~~Total acreage (structure w/lock-off units) = 19.25 acres.~~

- ~~B. The acreage needed to support the densities for the non-contiguous and functionally separate uses set forth above shall be aggregated.~~

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1.1.1 Density Calculations

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**Example:**

400-unit Hotel w/out kitchens at 40 units/acre = 10 acres

plus 210 split-use units with lock-off units (see (1) above)

thus requiring 19.25 acres for required aggregated acreage of 29.25 acres