

Chapter 15

REDEVELOPMENT PLANS

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15.0 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.

15.1 Applicability: This chapter authorizes and shall apply only to redevelopment plans which utilize the provisions of this chapter. Eligible redevelopment plan areas shall be in adopted community plans which are predominantly urbanized (Subsection 15.2.A), blighted (Subsection 15.2.B), 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 15.11). 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.

15.2 Definitions: The following terms are defined as set forth below:

15.2.A Predominantly Urbanized Area: A predominantly urbanized area is one 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.

15.2.B Blighted Area: A blighted area is characterized by properties which 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 which cannot reasonably be expected to be reversed or alleviated by private enterprise acting alone:

- (1) The existence of parcels of irregular form and shape and inadequate size for proper usefulness and development.
- (2) The layout of parcels in disregard of the contours and other topographical or physical characteristics of the ground and surrounding conditions.
- (3) The existence of inadequate public improvements, public facilities, open space, and utilities which cannot be remedied by private or governmental action without redevelopment.
- (4) A prevalence of depreciated values, impaired investments, and social and economic maladjustment.
- (5) 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 non-compliance with the applicable environmental threshold carrying capacities.

15.2.C Urban Uses: Urban uses are the uses classified in Chapter 18 as residential, tourist accommodation, commercial, public service, urban recreation or similar uses commonly found in urban areas.

15.2.D Redevelopment Project Area: A redevelopment project area is 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, as it is designated in the redevelopment plan, may be considered as part of the redevelopment project area if:

- (1) The public benefits related to the noncontiguous parcels are integrated throughout the redevelopment project area;
- (2) The noncontiguous parcels are within the same watershed;
- (3) Each noncontiguous parcel contains structures covering at least 70 percent of the parcel;
- (4) The noncontiguous parcels are assembled with public assistance; and
- (5) The project area receives substantial public assistance.

15.2.E Redevelopment Plan Area: A contiguous area of land that has been found by TRPA to be in an adopted community plan, which is predominantly urbanized (Subsection 15.2.A), blighted (Subsection 15.2.B), and is designated in the applicable plan area statement as eligible for redevelopment plans.

15.2.F Irrevocable Commitment: For purposes of this chapter, irrevocable commitment to fund each priority public benefit or related mitigation measure pursuant to Subparagraphs 15.10.D (4) and (5) (collectively referred to in this subsection as "measures") shall mean the following:

- (1) 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 for the measures,
- (2) 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,
- (3) The measures are approved and funded as part of a public entity's capital improvement program,
- (4) 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,
- (5) The public entity funding the measure has received a funded commitment from another public entity as described in (1) through (3) above, or
- (6) Any combination of (1) through (5) above.

15.3 Establishment Of Redevelopment Plans: Adopted redevelopment plans shall be established on the TRPA Plan Overlay Maps pursuant to Chapter 12 and in the document entitled Regional Plan for the Lake Tahoe Basin, Special Plans.

15.4 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:

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

15.4.B Community Plan Designation: An adopted community plan designates a predominantly urbanized and blighted area within the plan area for redevelopment.

15.4.C 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.

- 15.4.D Conditions of Dislocation and Maladjustment: Redevelopment will relieve conditions of economic, social, or environmental dislocation or maladjustment and should not create new unmitigatable economic, social, or environmental impacts.
- 15.5 Time Limits: Redevelopment plans shall take effect upon adoption and shall remain in effect until amended or revoked by TRPA.
- 15.6 Relationship To Plan Area Statements And Community Plans: Redevelopment plans shall be consistent with plan area statements and community plans as follows:
- 15.6.A 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.
- 15.6.B Community Plans: Except for the demonstration plan provided for in this chapter, no redevelopment plan shall be adopted unless it is within an adopted community plan.
- 15.7 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.
- 15.8 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:
- 15.8.A Redevelopment Project Areas (Contiguous and Adjacent Parcels): Redevelopment project areas which contain contiguous and adjacent parcels may elect to be subject to the provisions of Section 15.9.
- 15.8.B Redevelopment Project Areas (Noncontiguous Parcels): Redevelopment project areas which contain noncontiguous parcels shall be subject to the provisions of Section 15.9.
- 15.8.C Individual Projects Not In A Redevelopment Project Area: Projects not in a redevelopment project area shall not be subject to the provisions of Section 15.9.
- 15.8.D Projects In A Redevelopment Project Area: A tourist accommodation project may elect to use the provisions of Subsection 15.11.D 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:
- (1) the project consists of 100 or more split-use tourist accommodation units;
 - (2) the 100 or more units will be created through a transfer or reconstruction of existing units of use;

- (3) the project is within both an adopted redevelopment plan and community plan; and
- (4) the project is deemed a redevelopment project under state and local laws.

15.9 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:

15.9.A Land Coverage Limitations: A redevelopment project area shall be considered the "project area" for purposes of implementing the land coverage requirements of Chapter 20 and the subparagraphs below, except for the provisions relating to demonstration redevelopment project areas in Subsection 15.11.C. The permissible land coverage within redevelopment project areas shall be calculated in accordance with the subparagraphs below:

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

Existing Coverage	Required Reduction	Net 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 coverage shall not be more restrictive than the Bailey Coefficients.

- (2) Tourist/Multi-Residential Uses: In redevelopment project areas redeveloped primarily for tourist accommodation or multi-residential use, total existing coverage shall be reduced by 25 percent if existing coverage is 50 percent or less. An additional reduction of one percent for each two percent of coverage exceeding 50 percent shall be required if the coverage exceeds 50 percent. The following table contains example calculations:

Existing Coverage	Required Reduction	Net Coverage
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 coverage shall not be more restrictive than the Bailey Coefficients.

- (3) Mixed Uses: The coverage reduction requirements for mixed uses of subparagraphs (1) and (2) above shall be adjusted based on the proportion of the gross floor area utilized for the categories of use. Uses not included in subparagraphs (1) and (2) shall not be included in the calculations to determine the proportion. Example: If the redevelopment project area proposes 10,000 square feet of commercial floor area and 20,000 square feet of tourist accommodation floor area. The portion of commercial is .33 and the portion of tourist is .66. The existing coverage is 80 percent. The reduction without mixed use for commercial would be 20 percent and for tourist would be 40 percent.

$$.33 \times 20\% = 6.7\%$$

$$.67 \times 40\% = 26.7\%$$

33.4% required reduction

- 15.9.B Density: For the purpose of calculating maximum permissible densities, the entire redevelopment project area shall be considered the "project area" pursuant to Chapter 21. Special density provisions for calculations may be adopted for demonstration redevelopment plans as set forth in Section 15.11. Approval of projects within a redevelopment project area shall be subject to the special use findings in Subparagraphs 18.1.B(1) and (2), unless the same findings are made and adopted as part of the redevelopment plan.
- 15.9.C Grading Standards: Basement excavation may be permitted as an additional exception to the provisions in Subsection 64.7.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, which 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 identifying measures required to ensure damage will not occur to mature trees as a result of basement excavation or construction.

- 15.9.D 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 not subject to the provisions of Chapter 34.
- 15.9.E 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.
- 15.9.F 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, permanently assuring that 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.
- 15.9.G Transfer of Redevelopment Retirement Requirement: Notwithstanding Subparagraph 34.4.B(6), projects which rely on transfer of existing development shall demonstrate prior to occupancy adequate sewer capacity and unit of use retirement pursuant to Section 34.5, 15.11.D.
- 15.10 Redevelopment Plan Process: Except as set forth in Section 15.11, public entities eligible to prepare redevelopment plans pursuant to applicable state law shall develop redevelopment plans in accordance with the following procedures:
- 15.10.A 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 which may be obtained from the proposed redevelopment.
- 15.10.B Preparation Of Preliminary Redevelopment Plans: Upon selection of a redevelopment plan area in accordance with Subsection 15.10.A, the public entity shall prepare, in cooperation with TRPA, a preliminary redevelopment plan. A preliminary redevelopment plan shall contain the following information:
- (1) An environmental assessment (EA) prepared in accordance with Subsection 5.3.A, 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.
 - (2) A description of the proposed redevelopment plan area boundaries and project area boundaries including a preliminary determination of which areas are blighted and urbanized.

- (3) 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.
- (4) A general statement of how the proposed redevelopment plan conforms to the provisions of the Goals and Policies, the applicable plan area statements, the Code, and the environmental thresholds.
- (5) 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.
- (6) A statement of how the preliminary plan differs from and conforms to the adopted community plan, including a re-evaluation of items required by Subparagraphs 14.6.C (1) through (7), 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.
- (7) An economic feasibility and needs assessment.
- (8) Such other information as TRPA may reasonably require to evaluate the proposed redevelopment plan.
- (9) Reasonable provisions for public participation, including notice to, and comment by, affected property owners and residents.

15.10.C Action On Preliminary Redevelopment Plans: The Advisory Planning Commission shall review preliminary redevelopment plans and make recommendations to the Governing Board. The Governing Board shall review and either 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 redevelopment plan, the applicant shall have five years to submit a final redevelopment plan in accordance with Subsection 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.

15.10.D 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 14.6.C(1) through (7), inclusive, and shall include the following:

- (1) A program and schedule for bringing all roadway and shoreline units, or segments thereof, which 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.

- (2) A description of the proposed methods of financing the redevelopment projects that are part of the final redevelopment plan.
- (3) A description and schedule of the mitigation measures and public benefits that are required to be implemented as a part of the plan.
- (4) A list and schedule of priority public benefits and related mitigation measures that are required to be implemented to attain the identified environmental targets.
- (5) For each redevelopment project, a list of related mitigation measures and priority public benefits, required as conditions of approval.
- (6) A plan and schedule to implement Best Management Practices as set forth in Chapter 25 to all parcels within the redevelopment plan area.
- (7) 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 equally or better structural condition.
- (8) 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.
- (9) 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 which are created as a result of the transfers.
- (10) A recreation needs assessment, which identifies existing recreational, needs within the redevelopment plan area and any additional recreational needs created by the redevelopment plan, and a recreation development program and schedule which meets the identified needs.
- (11) Such other information as TRPA may reasonably require to review and approve the final redevelopment plan.

15.10.E Process for Final Redevelopment Plans: Final redevelopment plans shall be processed in accordance with the following provisions:

- (1) 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 Advisory Planning Commission 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.
- (2) 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.

15.10.F Findings For Adoption: Prior to adopting a redevelopment plan and in addition to any other required findings, 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 adopted community plan;
- (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) 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;
- (7) 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 15.10.D (7);
- (8) 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;
- (9) The redevelopment plan includes the programs and schedules required by Subsection 15.10.D and the redevelopment plan demonstrates attainment of the targets and requirements of Subsection 15.10.D;
- (10) The provisions of Subsection 15.10.G have been met in regards to Subparagraph 15.10.D (5); and

- (11) The redevelopment plan in conjunction with other adopted plans and programs of TRPA shall attain and maintain thresholds.

15.10.G Security for Improvements: Redevelopment plans shall ensure that redevelopment projects for which a related mitigation measure or priority public benefit are required to be implemented as a condition of approval (collectively referred to in this subsection as measures) specified in Subparagraph 15.10.D(4) and (5), shall guarantee implementation of such measures as follows:

- (1) Project Funding: Prior to the commencement of construction of any project which relies on the use of a measure as specified in Subparagraph 15.10.D(4) and (5), 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 15.10.D(4) and (5).
- (2) 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.
- (3) Project Approval: TRPA shall require, as a condition of approval, of any project which relies on the use of a measure as specified in Subparagraph 15.10.D(5), that plans for such measure be approved by all agencies of jurisdiction prior to commencement of construction of the redevelopment project.

15.10.H Redevelopment Plan Amendments: Amendments to redevelopment plans shall be subject to the applicable provisions of this chapter.

15.10.I 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.

15.10.J 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.

- (1) Adoption of Agreements: Such agreements shall be processed as memoranda of understanding in accordance with Chapter 4.
- (2) 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.
- (3) Scope of Agreements: TRPA may establish special review procedures, conditions of approval, security provisions, and related matters pursuant to a redevelopment agreement.

15.11 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.

15.11.A 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 15.4. and 14.3 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 15.11.E, TRPA shall make the following findings:

- (1) That a 2000 feet linear park and bikeway is provided as part of the plan.
- (2) 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.
- (3) 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.
- (4) That additional public access to Lake Tahoe and 10,000 square feet or more of additional public beach are being provided by redevelopment projects.
- (5) That additional public access to Lake Tahoe through marina facilities is being provided by redevelopment projects.
- (6) 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.
- (7) That at least four acres of additional wetlands or SEZ restoration are being provided by redevelopment projects.
- (8) 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.

15.11.B 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:

- (1) Preparation and Approval of a Preliminary Demonstration Redevelopment Plan: The requirements for preparation and approval of the preliminary plan shall be waived.
- (2) 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 15.10.D (1) through (11), inclusive and Subsection 15.10.G, except that the requirements of Subparagraphs 14.6.C (1) through (7), inclusive may be deferred until adoption of the community plan.
- (3) Final Plan Approval: The final demonstration redevelopment plan shall be reviewed and approved in accordance with Subsections 15.10.E, F and G. Prior to adopting the demonstration redevelopment plan, the Governing Board shall make the findings in Subparagraph 15.11.B.(4).
- (4) Findings For Adoption: Prior to adopting the final redevelopment demonstration plan, 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 any other plans and programs of TRPA;
 - (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) 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 15.10.D (7);
 - (g) 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;
 - (h) The redevelopment plan is consistent with 15.10.D (1) through (11), except that the requirements of Subsection 14.6.C (1) through (7) need not be met;

- (i) The provisions of Subsection 15.10.G have been met in regards to Subparagraph 15.10.D (4) and (5); and
- (j) The redevelopment plan in conjunction with other adopted plans and programs of TRPA shall attain and maintain thresholds.

15.11.C Demonstration Redevelopment Project Area: For purposes of complying with aggregated density (15.11.H) and land coverage retirement requirements (15.9.A), 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.

15.11.D 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 15.11.G.

- (1) Notwithstanding Subsection 34.5.G, 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.
- (2) For purposes of determining compliance with unit of use transfer ratios and for determining density calculations under Subsection 15.9.B., 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:
 - (a) 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.
 - (b) 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.

- (c) 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).
- (3) 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.

15.11.E Additional Height For The South Lake Tahoe Demonstration Project: In addition to the heights permitted in Chapter 22, the TRPA may approve additional height within the South Lake Tahoe Demonstration Project Area for no more than two projects, as follows:

- (1) 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).
- (2) 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 22.0, 22.1, 22.2, 22.6 and 22.7 for a building whose primary use is tourist accommodation, if the building is located in an eligible area pursuant to (1) above; findings (1), (3), and (7) in Section 22.7 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 (3) below, and substantial contributions shall have been made by the project proponents to achieve those benefits.
 - (a) Addition of Benefits: The additional height permissible under this subsection shall be calculated by identifying the benefits provided by the demonstration project and then totalling 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).
 - (b) 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.
 - (c) 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 15.10.D (5) and compliance with provisions of Subsection 15.10.G shall be required.

- (3) Benefit List for Additional Height: The following list of benefits shall be used to calculate additional height for tourist accommodation buildings pursuant to Subparagraph (2) above.
- (a) 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:
- (i) The artificial wetland is capable of water quality treatment functionally equivalent to a stream environment zone of a similar size;
 - (ii) The restored stream environment zone or artificial wetland is within a watershed partially within the boundaries of the redevelopment plan;
 - (iii) 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 20.4.B.
- (b) 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.
- (c) 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.
- (d) Additional Height for Public Access to Lake Tahoe: For each 50 feet wide (average, not less than 30 feet, measured landward from the high water line) by 200 feet 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.

- (e) 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.

15.11.F Environmental Targets: The demonstration redevelopment plan shall demonstrate the ability to achieve the following targets:

- (1) Air Quality and Traffic: The following air quality and traffic targets shall be achieved within the redevelopment area:

- (a) Attain the following carbon monoxide (CO) standards:

- (i) 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.

- (b) 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.

- (c) Upon completion, the demonstration project shall result in a reduction of 732 vehicle trip ends from 1987 levels.

- (2) Water Quality: The following water quality targets shall be achieved in the redevelopment plan area:

- (a) 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 15.10.D(6).

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

- (c) TRPA discharge standards as set forth in Chapter 81.

- (3) 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.
- (4) 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.
- (5) Recreation: Provide at least the following recreational facilities:
 - (a) 2000 feet of Class I bike trail; and
 - (b) 10,000 square feet of public beach with 200 linear feet of lake frontage.
- (6) Noise: The Ski Run Marina shall not provide storage, moorage or launching of marine craft that exceed the single event noise standards.

15.11.G Required Priority Public Benefits And Related Mitigation Measures: The following benefits and measures shall be included in the lists required by Subparagraphs 15.10.D (4) and (5).

- (1) Subparagraph 15.10.D (4) List: The following items shall be included on the list.
 - (a) 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.
 - (b) Drainage Basin "A-2" for the Pine Boulevard Area as shown on the South Lake Tahoe Redevelopment Design Plan Drainage Concept Plan;
 - (c) Tahoe Meadow Linear Park Improvements Including Bike Trail, Fencing and Landscaping;
 - (d) Creation of 70 Affordable Housing Units Through Rehabilitation and New Construction; and
 - (e) Establish a Revolving \$600,000 Loan Fund for Housing Rehabilitation
- (2) Subparagraph 15.10.D (5) List: The following items shall be included on the list.

- (a) Site Acquisition for Ski Run Boulevard View Corridor and Ski Run Beach;
- (b) Drainage Basin "B" for the Stateline Area as shown on the South Lake Tahoe Redevelopment Design Plan Drainage Concept Plan;
- (c) Drainage Basin "E" in the Ski Run Area as shown on the South Lake Tahoe Redevelopment Plan Concept Drainage Plan;
- (d) 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;
- (e) Open Space Plaza on Highway 50 at the Embassy Site;
- (f) Ski Run Park Improvements Near the Ski Run Marina;
- (g) Transit Coordination of Shuttle Service Provided by Private Businesses and STAGE;
- (h) Improvements on Public Beach Access Such as Restrooms, Picnic Tables, Signs and Litter Collection; and
- (i) Mitigation Projects Required by the Conditions of Approval of Redevelopment Projects to Reduce Impacts to a Less Than Significant Level.

15.11.H Density Calculations: If a redevelopment project is reviewed pursuant to Chapter 15, 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:

- (1) 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.

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

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.