TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on September 11, 2002, at the Horizon Casino Resort, U.S. Highway 50, Stateline, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

August 30, 2002.

Juan Palma
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Horizon Casino Resort
U. S. Highway 50
Stateline, Nevada 89448
September 11, 2002
9:30 a.m.

All items on this agenda are action items unless otherwise noted.

AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Advisory Planning Commission on any agenda item not listed as a Public Hearing or a Planning Matter item, or on any other issue, may do so at this time. However, public comment on Public Hearing and Planning Matter items will be taken at the time those agenda items are heard.

NOTE: THE ADVISORY PLANNING COMMISSION IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

IV. DISPOSITION OF MINUTES

V. PUBLIC HEARINGS

A. A Resolution to Approve the Tahoe Yellow Cress Conservation Strategy

B. Addition of a New policy to the Vegetation Sub-Element to the Goals and Policies Pertaining to the Encouragement of Tahoe Yellow Cress Stewardship on Private Lands

C. Amendment to the TRPA Code of Ordinances Chapter 33 and Goals & Policies Chapter VII Amendments to Allow for Residential, Commercial and TAA’s Allocations Through 2006

D. Amendment to the TRPA Code of Ordinances Chapter 35 to Allow the Substitution of Bonus Units for Existing Deed Restricted Affordable Housing Units

E. Amendment to the City of South Lake Tahoe Standard-Guidelines-Signage Relating to Sign Enforcement in the City and Signage in the Stateline Redevelopment Area

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VI. Reports

A. Executive Director
   1. Report on Governing Board Actions Relative to APC Recommendations

B. Legal Counsel

C. APC Members

VII. ADJOURNMENT
MEMORANDUM

September 3, 2002

To: Advisory Planning Commission

From: TRPA Staff

Subject: August 14, 2002 Advisory Planning Commission Meeting Minutes

The August 14, 2002, Advisory Planning Commission Meeting minutes will be mailed under separate cover.
MEMORANDUM

September 3, 2002

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: An MOU to Participate in the Tahoe Yellow Cress Conservation Strategy

Proposed Action: The Executive Director proposes to sign a Memorandum of Understanding between other partners for the Conservation Strategy for Tahoe Yellow Cress. (The MOU is found at the back of the enclosed Conservation Strategy.)

Staff Recommendation: Staff recommends the APC conduct the public hearing as noticed and make a recommendation for the Governing Board to authorize the Executive Director to sign the Tahoe Yellow Cress Conservation Strategy MOU.

Background: Tahoe Yellow Cress (TYC) is a TRPA Threshold species identified in the third vegetation threshold. As discussed in the 2001 Threshold Evaluation, this species is not in attainment. The plant is listed as endangered in California, and critically imperiled in Nevada. The US Fish and Wildlife Service is considering listing this species as endangered, but is awaiting the outcome of implementing this conservation strategy. The California State Lands Commission attempted to develop a conservation strategy in 1998, but the effort was not ratified.

TRPA has been leading the effort to develop a conservation management strategy to save this species. Staff presented its approach to develop the strategy to the APC in the spring of 2001. There have been two public comment periods, and four public meetings on the strategy. Notice of the USFS intent to sign the strategy was placed in the Notice of Federal Register.

This strategy was developed in full consensus by the executive committee in charge. The following entities have agreed to sign the MOU:

Tahoe Regional Planning Agency
U.S. Fish & Wildlife Service
U.S. Forest Service
Nevada Division of Forestry
Nevada Division of State Lands
Nevada Division of State Parks
Nevada Natural Heritage Program
California State Lands Commission
California Department of Fish & Game
California Department of Parks & Recreation
California Tahoe Conservancy
Tahoe Lakefront Owners' Association
League to Save Lake Tahoe
Memorandum to TRPA Advisory Planning Commission
Tahoe Yellow Cress Conservation Strategy
Page 2

Discussion: TRPA has prohibited adverse impacts to TYC from the beginning of the Regional Plan. The strategy is a vehicle for the coordination of conservation efforts and an adaptive management strategy for future management. This strategy increases conservation efforts into adding regulation related to TYC, and does not radically change how a project is permitted. Important to the strategy is the encouragement of private landowners to become stewards of TYC.

Other key elements of the strategy include the most current understanding of the biology of this species, a listing of each agency’s policies for TYC, clear conservation goals and objectives, and a monitoring program.

Effect on TRPA Work Program: Should TRPA become a signatory to the Conservation strategy, the level of effort by TRPA staff would be slightly less than the effort required to develop the strategy. The existing level of effort would be required for the review of projects.

Environmental Documentation: Although this action would not require environmental documentation, staff has prepared an Initial Environmental Checklist (IEC). No significant impacts where identified.

Staff will provide a brief presentation at the hearing. Please contact Gerald Dion at 775-588-4547, or via email at jdion@trpa.org, if you have any comments regarding this item.

Enclosure: MOU and Conservation Strategy for Tahoe Yellow Cress (Rorippa Subumbellata)
MEMORANDUM

September 3, 2002

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Addition of a New policy to the Vegetation Sub-Element to the Goals and Policies Pertaining to the Encouragement of Tahoe Yellow Cress Stewardship on Private Lands

Proposed Action: TRPA staff proposes to add a new policy to the Vegetation Subelement of the Goals and Policies' Conservation Element. This new policy is focused on encouraging stewardship for Tahoe Yellow Cress on private lands (see Exhibit 1 for proposed language changes).

Staff Recommendation: Staff recommends the APC conduct the public hearing as noticed and recommend approval to the Governing Board to adopt a new policy to the Goals and Policies; Vegetation Subelement, Goal # 3.

Background: Tahoe Yellow Cress (TYC) is a TRPA sensitive species listed within the third vegetation threshold, Sensitive Plants. This species was not considered in attainment in the 2001, 1996, and 1991 Threshold Evaluations. A conservation strategy to coordinate the conservation efforts of multiple agencies has been developed (see staff summary for Agenda Item V.A).

Within the strategy the critical importance of TYC on private lands was acknowledged. The key element of conservation on private lands is fostering stewardship. A stewardship group will be developed in the future to help landowners manage TYC. The proposed policy provides guidance to TRPA to focus on overcoming some of the barriers to private land stewardship.

Discussion: Some of the barriers to private stewardship are addressed in the Conservation Strategy for Tahoe Yellow Cress (August, 2002). The three main barriers discussed are: fear of regulation, lack of awareness of TYC, and the timing of the project review process. The proposed policy directs TRPA to provide education and technical assistance to private landowners, and to work to streamline the project review process within the adaptive management process outlined in the Conservation Strategy.

Adoption of this proposed policy will help convey to the private lakeshore owners that TRPA is focused on conserving TYC not only through existing regulation, but also by helping them manage the species and reducing the barriers to stewardship.
Effect on TRPA Work Program: This new policy is not expected to have a significant impact on the TRPA work program. Currently, Project Review staff conducts field inspections for TYC and Compliance staff assures that TYC is not harmed during construction. A small amount of additional staff time may be spent in helping landowners develop stewardship programs. Ensuring private landowner assistance would be the responsibility of Long Range Planning staff.

Findings: Prior to amending the TRPA Goals and Policies, TRPA must make the following findings.

A. Chapter 6 Findings

1. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code, and other TRPA plans and programs.

   Rationale: TRPA has already identified TYC as a sensitive species. Its protection and management are currently found in existing code Section 75.2, identified within Plan Areas historically providing habitat for TYC, within the Goals and Policies, and the threshold sites are mapped on the vegetation threshold map.

   The Memorandum of Understanding between the entities party to the Conservation Strategy is designed to help with the cooperative management of this species. Through an adaptive management program TRPA will, with the help of its MOU partners, continually improve the management of TYC. One of these improvements is to focus on encouraging stewardship on private lands.

2. Finding: The project will not cause the environmental thresholds to be exceeded.

   Rationale: The proposed policy is intended to help achieve the third vegetation threshold for Tahoe yellow cress. By encouraging the management of TYC on private lands the total population of TYC could increase and third vegetation threshold could be achieved.

3. Finding: Wherever federal, state, and local air and water quality standards applicable to the Region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

   Rationale: TYC is listed as an endangered species in California and critically imperiled in Nevada. The US Fish and Wildlife Service is considering listing this species as endangered, but is awaiting the outcome of the Conservation Strategy for Tahoe Yellow Cress. However, TRPA's standards are the strictest for
protection for this species. This new policy would help in the attainment of the third vegetation threshold by facilitating management of TYC on private lands.

Environmental Documentation: Staff has prepared an Initial Environmental Checklist (IEC) for the proposed amendment. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 findings shown above and on the following:

1. The proposed policy, if successful would allow for more populations of Tahoe Yellow Cress.

Staff will begin this item with a brief presentation. Please contact Gerald Dion at 775-588-4547, or via email at jdion@trpa.org, if you have any comments regarding this item.

Attachments: A. Adopting Ordinance with Exhibit 1, Proposed New Policy
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2002 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING THE VEGETATION SUBELEMENT OF THE GOALS AND POLICIES BY ADDING A NEW POLICY RELATED TO PRIVATE LANDS STEWARDSHIP OF TAHOE YELLOW CRESS.

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

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Vegetation Subelement of the Goals and Policies in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.20 This addition has been determined not to have a significant effect on the environment, and is therefore exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.

1.30 The Advisory Planning Commission (APC) has conducted a public hearing on the amendment and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendment. At those hearings, oral testimony and documentary evidence were received and considered.

1.40 Prior to the adoption of this ordinance, the Governing Board made the findings required by Chapter 6 of the Code and Article V(g) of the Compact.

1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 Amendment of the Vegetation Subelement of the Goals and Policies

Subsection 6.10, subparagraph (28) of Ordinance No. 87-9, as amended, is hereby further amended as set forth on Exhibit 1, September 25, 2002, which attachment is appended hereto and incorporated herein.
Section 3.00 Interpretation and Severability

The provisions of this ordinance and the amendment to the Goals and Policies adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the Plan Area Statements shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Plan Area Statements are hereby declared respectively severable.

Section 4.00 Effective Date

The provisions of this ordinance amending the Vegetation Subelement of the goals and policies shall be effective upon adoption pursuant to Subsection 13.7.B.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held September 25, 2002, by the following vote:
Ayes:

Nays:

Abstentions:

Absent

Dean Heller, Chairman
Tahoe Regional Planning Agency
CHAPTER IV
CONSERVATION ELEMENT

VEGETATION

Vegetation is integral to the many scenic, wildlife, and recreational amenities in the Lake Tahoe Basin. Vegetation also fulfills many functional roles related to water cleansing, soil stabilization, nutrient catchment and release, air purification, and noise control. The focus of vegetation preservation in the Basin is to protect and maintain these and other attributes.

Strategy direction for preservation of vegetation is guided by the following environmental thresholds:

GOAL #3
CONSERVE THREATENED, ENDANGERED, AND SENSITIVE PLANT SPECIES AND UNCOMMON PLANT COMMUNITIES OF THE LAKE TAHOE BASIN.

A few examples of rare plants and uncommon plant communities can be found in the Lake Tahoe Basin. These resources are a real part of the Basin's natural endowment and need to be protected from indiscriminate loss or destruction. Otherwise, the danger of extinction can become a reality. Direction for preservation is provided by adopted environmental thresholds.

POLICIES

1. UNCOMMON PLANT COMMUNITIES SHALL BE IDENTIFIED AND PROTECTED FOR THEIR NATURAL VALUES.

2. THE POPULATION SITES AND CRITICAL HABITAT OF ALL SENSITIVE PLANT SPECIES IN THE LAKE TAHOE BASIN SHALL BE IDENTIFIED AND PRESERVED.

3. THE CONSERVATION STRATEGY FOR TAHOE YELLOW CRESS ON PRIVATE LANDS SHALL FOSTER STEWARDSHIP FOR THIS SPECIES.

Private lands along with public lands are critical to the conservation of Tahoe yellow cress. TRPA will encourage stewardship by:

(1) Providing education to landowners;
(2) Providing technical and planning assistance to landowners with Tahoe yellow cress to develop stewardship plans; and
(3) Streamlining (through adaptive management) the Tahoe Yellow Cress project review process, while protecting the species and its habitat.
MEMORANDUM

September 3, 2002

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Addition of a New policy to the Vegetation Sub-Element to the Goals and Policies Pertaining to the Encouragement of Tahoe Yellow Cress Stewardship on Private Lands

Proposed Action: TRPA staff proposes to add a new policy to the Vegetation Subelement of the Goals and Policies' Conservation Element. This new policy is focused on encouraging stewardship for Tahoe Yellow Cress on private lands (see Exhibit 1 for proposed language changes).

Staff Recommendation: Staff recommends the APC conduct the public hearing as noticed and recommend approval to the Governing Board to adopt a new policy to the Goals and Policies; Vegetation Subelement, Goal # 3.

Background: Tahoe Yellow Cress (TYC) is a TRPA sensitive species listed within the third vegetation threshold, Sensitive Plants. This species was not considered in attainment in the 2001, 1996, and 1991 Threshold Evaluations. A conservation strategy to coordinate the conservation efforts of multiple agencies has been developed (see staff summary for Agenda Item V.A).

Within the strategy the critical importance of TYC on private lands was acknowledged. The key element of conservation on private lands is fostering stewardship. A stewardship group will be developed in the future to help landowners manage TYC. The proposed policy provides guidance to TRPA to focus on overcoming some of the barriers to private land stewardship.

Discussion: Some of the barriers to private stewardship are addressed in the Conservation Strategy for Tahoe Yellow Cress (August, 2002). The three main barriers discussed are: fear of regulation, lack of awareness of TYC, and the timing of the project review process. The proposed policy directs TRPA to provide education and technical assistance to private landowners, and to work to streamline the project review process within the adaptive management process outline within the Conservation Strategy.

Adoption of this proposed policy will help convey to the private lakeshore owners that TRPA is focused on conserving TYC not only through existing regulation, but also by helping them manage the species and reducing the barriers to stewardship.

GD/dmc
Effect on TRPA Work Program: This new policy is not expected to have a significant impact on the TRPA work program. Currently, Project Review staff conducts field inspections for TYC and Compliance staff assures that TYC is not harmed during construction. A small amount of additional staff time may be spent in helping landowners develop stewardship programs. Ensuring private landowner assistance would be the responsibility of Long Range Planning staff.

Findings: Prior to amending the TRPA Goals and Policies, TRPA must make the following findings.

A. Chapter 6 Findings

1. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code, and other TRPA plans and programs.

Rationale: TRPA has already identified TYC as a sensitive species. Its protection and management are currently found in existing code Section 75.2, identified within Plan Areas historically providing habitat for TYC, within the Goals and Policies, and the threshold sites are mapped on the vegetation threshold map.

The Memorandum of Understanding between the entities party to the Conservation Strategy is designed to help with the cooperative management of this species. Through an adaptive management program TRPA will, with the help of its MOU partners, continually improve the management of TYC. One of these improvements is to focus on encouraging stewardship on private lands.

2. Finding: The project will not cause the environmental thresholds to be exceeded.

Rationale: The proposed policy is intended to help achieve the third vegetation threshold for Tahoe yellow cress. By encouraging the management of TYC on private lands the total population of TYC could increase and third vegetation threshold could be achieved.

3. Finding: Wherever federal, state, and local air and water quality standards applicable to the Region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: TYC is listed as an endangered species in California and critically imperiled in Nevada. The US Fish and Wildlife Service is considering listing this species as endangered, but is awaiting the outcome of the Conservation Strategy for Tahoe Yellow Cress. However, TRPA's standards are the strictest for
protection for this species. This new policy would help in the attainment of the third vegetation threshold by facilitating management of TYC on private lands.

Environmental Documentation: Staff has prepared an Initial Environmental Checklist (IEC) for the proposed amendment. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 findings shown above and on the following:

1. The proposed policy, if successful would allow for more populations of Tahoe Yellow Cress.

Staff will begin this item with a brief presentation. Please contact Gerald Dion at 775-588-4547, or via email at jdion@trpa.org, if you have any comments regarding this item.

Attachments: A. Adopting Ordinance with Exhibit 1, Proposed New Policy
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The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Vegetation Subelement of the Goals and Policies in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.20 This addition has been determined not to have a significant effect on the environment, and is therefore exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.

1.30 The Advisory Planning Commission (APC) has conducted a public hearing on the amendment and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendment. At those hearings, oral testimony and documentary evidence were received and considered.

1.40 Prior to the adoption of this ordinance, the Governing Board made the findings required by Chapter 6 of the Code and Article V(g) of the Compact.

1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 Amendment of the Vegetation Subelement of the Goals and Policies

Subsection 6.10, subparagraph (28) of Ordinance No. 87-9, as amended, is hereby further amended as set forth on Exhibit 1, September 25, 2002, which attachment is appended hereto and incorporated herein.
Section 3.00 Interpretation and Severability

The provisions of this ordinance and the amendment to the Goals and Policies adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the Plan Area Statements shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Plan Area Statements are hereby declared respectively severable.

Section 4.00 Effective Date

The provisions of this ordinance amending the Vegetation Subelement of the goals and policies shall be effective upon adoption pursuant to Subsection 13.7.B.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held September 25, 2002, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

Dean Heller, Chairman
Tahoe Regional Planning Agency
CHAPTER IV
CONSERVATION ELEMENT

VEGETATION

Vegetation is integral to the many scenic, wildlife, and recreational amenities in the Lake Tahoe Basin. Vegetation also fulfills many functional roles related to water cleansing, soil stabilization, nutrient catchment and release, air purification, and noise control. The focus of vegetation preservation in the Basin is to protect and maintain these and other attributes.

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POLICIES

1. UNCOMMON PLANT COMMUNITIES SHALL BE IDENTIFIED AND PROTECTED FOR THEIR NATURAL VALUES.

2. THE POPULATION SITES AND CRITICAL HABITAT OF ALL SENSITIVE PLANT SPECIES IN THE LAKE TAHOE BASIN SHALL BE IDENTIFIED AND PRESERVED.

3. THE CONSERVATION STRATEGY FOR TAHOE YELLOW CRESS ON PRIVATE LANDS SHALL FOSTER STEWARDSHIP FOR THIS SPECIES.

Private lands along with public lands are critical to the conservation of Tahoe yellow cress. TRPA will encourage stewardship by:

(1) Providing education to landowners;

(2) Providing technical and planning assistance to landowners with Tahoe yellow cress to develop stewardship plans; and

(3) Streamlining (through adaptive management) the Tahoe Yellow Cress project review process, while protecting the species and its habitat.
September 3, 2002

To: TRPA Advisory Planning Division

From: TRPA Staff

Subject: Amendment to the TRPA Code of Ordinances Chapter 33 and Goals & Policies Chapter VII Amendments to Allow for Residential, Commercial and TAU Allocations Through 2006

**Proposed Action:** Amend Chapter 33 of the Code of Ordinances and Chapter 7 of the Goals and Policies relative to the allocation of additional residential units, commercial floor area (CFA) and tourist accommodation units (TAU).

The proposed amendments to the Code of Ordinances (Code) and Goals and Policies (Goals) to allow for the consideration of additional development are based upon recommendations from the 2001 Threshold Evaluation and are linked to increased efforts for BMP retrofit, EIP implementation and increased transit services, in addition to permit monitoring and compliance. The increase or decrease in efforts relative to these programs would be evaluated based upon performance criteria. The specific Regional Plan elements are as follows:

- Residential Unit, Commercial Floor Area, and Tourist Accommodation Unit Allocations, Code Chapter 33 (see Attachment A, Exhibit 1)
- Goals and Policies, Chapter 7, Implementation Element (see Attachment A, Exhibit 2)

**Staff Recommendation:** Staff recommends that the Advisory Planning Commission conduct the public hearing as noticed and recommend adoption of the proposed amendments to the Governing Board.

**Background:** In December 2001, TRPA allocated 299 additional Residential allocations (divided among the five jurisdictions) for calendar year 2002. The Regional Plan amendments contemplated by this proposed action are for calendar years 2003 through 2006. The structure of the proposed Code language will establish allocations in the fall of calendar years for the subsequent years' use (Fall of 2002 for 2003 allocations, Fall of 2003 for 2004 allocations, etc.). The establishment of the allocations will be based upon the proposed allocation program elements of Code Chapter 33.

**Discussion:** During the month of February, TRPA held hearings on the 2001 Threshold Evaluation Report at the APC and Governing Board Meetings. In addition to those workshops, there were two additional public workshops on the Evaluation recommendations on February 20 at the Kings Beach Conference Center and February 28 at the City Council Chambers in South Lake Tahoe. Along with these workshops, TRPA staff sponsored four stakeholder-focused workshops on both North Shore and South Shore. The purpose of these hearings and workshops was to review the documents and
provides input to the TRPA to assist in the preparation of the final documents and Regional Plan amendments. Since discussing this agenda item at the July APC meeting, TRPA has sponsored another round of meetings (five total). The proposal set forth in this summary is a direct result of all of the public input and meetings.

The overall result of these meetings as it relates to the allocation of additional development was agreement that additional development should be linked to:

- Increased efforts in the areas of BMP retrofits
- EIP implementation
- Increased transit services
- Permit monitoring and compliance
- Prior to the release of 2003 allocations, TRPA must take action on a Fertilizer Management Program.

Additionally, the Governing Board adopted the 2001 Threshold Evaluation in July, which, as a policy, provided direction to staff to develop a system that links environmental programs to the allocation of additional development units (residential units, CFA and TAU). Furthermore, the direction was to develop a residential allocation system that ranged from a possible minimum of 78 to a possible maximum of 294 annual residential allocations.

TRPA staff proposes amendments to Code Chapter 33, Allocation of Development, and Chapter 7 of the Goals and Policies relative to the allocation of additional development rights. Note that additional discussions and meetings on these proposals between the time of production of this staff summary and the APC meeting may lead to changes that would be presented at the hearing. A brief discussion of the proposed amendments follows:

**Residential Unit Allocations, 2003-2006**

Staff considers the above bullets, the actual use of allocations, the status of vacant lots (see Attachment B), the existing allocation system, and other factors to develop the proposed system. Starting in 2003 and continuing through 2006 staff is proposing to establish baseline allocations at 150 total residential units divided among the five jurisdictions, with provisions to increase the allocations to a maximum total of 294 per year or reduce to a minimum total of 78 per year, based on local jurisdiction performance in the program areas. The allocation distribution will be established in the fall of 2002 for 2003 and in the fall of 2003 for 2004, and so on until 2006. The Performance Review Committee (PRC), comprised of representatives from the local jurisdictions and TRPA, will rate the performance of the jurisdictions on the proposed program criteria, as has been done previously, and recommend specific allocations to the Governing Board.

The proposed Allocation Performance Table found in Code Chapter 33 is as follows:

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<thead>
<tr>
<th>Jurisdiction</th>
<th>Minimum Allocation with Deductions</th>
<th>Deduction Increments (x 4)</th>
<th>Base Allocation</th>
<th>Enhancement Increments (x 8)</th>
<th>Maximum Allocation with Enhancements</th>
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<tbody>
<tr>
<td>Douglas</td>
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<td>-1</td>
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</tr>
<tr>
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<td>Placer</td>
<td>18</td>
<td>-4</td>
<td>34</td>
<td>4</td>
<td>66</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>78</strong></td>
<td><strong>150</strong></td>
<td></td>
<td></td>
<td><strong>294</strong></td>
</tr>
</tbody>
</table>
The proposed performance criteria is based upon the following elements:

1. **Permit monitoring and compliance**: As has been done for past allocations evaluated by the PRC, each jurisdiction and TRPA shall have residential permit monitoring and compliance audits. An average score of 70% is expected, with many jurisdictions currently scoring near 90%. Jurisdictions receiving scores below 65% shall be incrementally penalized. Jurisdictions scoring above 75% and 90% shall be awarded one and two additional increments, respectively. See subsection 33.2.B (5) (a) of Attachment A, Exhibit 1. The incremental adjustments are jurisdictionally specific as shown in the table above. Refer to Attachment F for the Permit Monitoring and Compliance audit guidelines.

2. **EIP Implementation**: In an effort to increase the rate of implementation of air and water quality EIP projects, jurisdictions shall be rewarded or penalized for surpassing or failing to meet approved lists of projects and established implementation targets. See subsection 33.2.B(5) (b) and (c) of Attachment A, Exhibit 1. This performance criteria is similar to the existing performance review, however, it has been expanded to include air quality EIP projects. Refer to Attachment G for a sample EIP Implementation evaluation sheet.

3. **BMP Retrofit Implementation**: In an effort to increase the rate of implementation of BMP retrofit of properties, jurisdictions shall be rewarded or penalized for surpassing or failing approved BMP implementation programs and targets. See subsection 33.2.B (5) (d) and (e) of Attachment A, Exhibit 1. Refer to Attachment H for the Parcel BMP targets.

4. **Increase Transit Services**: In an effort to increase the level of service for transit operations, jurisdictions shall be rewarded or penalized for surpassing or failing approved Transit Level Of Service (TLOS) targets and increased or decreased funding levels to meet the targets. The TLOS targets are jurisdiction specific although the criteria are common to all. In the development of the Transit Level of Service (TLOS) Matrix, staff reviewed and proposed numerous transit performance indicators and criteria. Staff selected criteria that could be applied across the board and quantified to measure TLOS and performance, because the transit systems operate in different jurisdictions and provide different services. Future allocations will be dependent on the how many of the TLOS criterion increase or decrease and by what percentage. After extensive review of each jurisdictions' transit system performance over the past five years, staff believes the proposed TLOS targets are attainable. With the commitment to increase TLOS, the goal of reducing dependency on the private automobile by providing frequent and dependable transit service within the respective jurisdiction can be realized. An example jurisdiction specific TLOS Criteria Matrix is attached herein as Attachment E. To review the proposed Code language, see subsection 33.2.B (5) (f) and (g) of Attachment A, Exhibit 1.

It is important to note that this proposed allocation methodology is not the only means of procuring a residential allocation. Other means of acquiring an allocation exist for the property owner through the retirement of a sensitive parcel from the allocation rollover pool. Additionally, affordable housing bonus units, transfer of existing units, and conversion of TAU's are all exempt from allocation requirements.
Memorandum to TRPA Governing Board  
Amendments for Residential, Commercial and TAU Allocations  
Page 4  

Commercial Floor Area (CFA) Allocations  
150,000 square feet of CFA has been held in reserve until completion of the 2001 Threshold Evaluation. The proposed distribution of the 150,000 square feet is as follows.

Staff proposes to allocate 50,000 square feet of CFA for Community Plan reloads according to the apportionment ranking previously established in Code subparagraph 33.3.D (1)(b). The apportionment based upon ranking is as follows:

<table>
<thead>
<tr>
<th>Ranking</th>
<th>Allocations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20,000</td>
</tr>
<tr>
<td>2</td>
<td>15,000</td>
</tr>
<tr>
<td>3</td>
<td>8,000</td>
</tr>
<tr>
<td>4</td>
<td>5,000</td>
</tr>
<tr>
<td>5</td>
<td>2,000</td>
</tr>
</tbody>
</table>

The allocation will be distributed as part of the Performance Review process in 2004. See subsection 33.3.D (1) (c) of Attachment A, Exhibit 1.

Staff proposes to allocate 50,000 square feet of CFA for Special Projects, per Code subparagraph 33.3.D (3) of Attachment A, Exhibit 1. To be eligible for a Special Project allocation, the project must score a minimum of 75 out of a total of 100 points based upon the score received from the Special Projects Evaluation Criteria for commercial projects, (see Attachment C) which, among other elements, must contain mitigation above and beyond project mitigation requirements. The distribution will be done as part of the Performance Review process in the spring of 2003.

Staff proposes to allocate the remaining 50,000 CFA for Special Projects, per Code subparagraph 33.3.D (4) of Attachment A, Exhibit 1. To be eligible for this 50,000 square feet of Special Project CFA, the project must score a minimum of 75 out of a total of 100 points based upon the score received from the Special Projects Evaluation Criteria for commercial projects (Attachment C), in accordance with subsection 33.3.D (3) and when matched by transfers of existing CFA from sensitive lands that have been restored. The distribution will be done as part of the Performance Review process in the spring of 2003.

Tourist Accommodation Unit (TAU) Allocations  
The remaining 100 Tourist Accommodation Units (TAU) previously held in reserve until after the completion of the 2001 Threshold Evaluation shall not be immediately allocated. 78 TAUUs remain available from the 1996 Threshold Evaluation allocation in addition to numerous privately banked TAUUs. These remaining 78 TAUUs are still limited to special projects (in accordance with Code subparagraph 33.3.D (3)) and shall only be permitted when matched by transfers of existing units from sensitive lands that have been restored. Additionally, the project must score a minimum of 75 out of a total of 100 points based upon the score received from the Special Projects Evaluation Criteria for TAUUs (see Attachment D). The remaining 100 TAUUs shall be allocated upon the use of the 78 TAUUs discussed above. See Code subsection 33.4.A (3) of Attachment A, Exhibit 1.

Effect on TRPA Work Program: The continued allocation of development rights will require the processing of residential, commercial and tourist development permits by the Project Review Division, in addition to the processing of various permits by our MOU partners. Should the allocation of development rights cease, there are other means for
development rights to be gained therefore, Project Review staff would still have permits to process, albeit at a reduced rate.

The proposed allocation methodology will require significant annual time commitments from various divisions of the TRPA. Project Review will incur time requirements to manage the annual PRC process. The EIP division will be required to assist in annual EIP project list development and implementation audits. The BMP team will need to spend annual hours in tracking and reporting on BMP Targets. The Transportation division will also spend annual hours in tracking and reporting on TLOS targets.

Environmental Assessment Relation to Proposed Action: In addition to the Required Findings found below, an Environmental Assessment (EA) has been prepared to further analyze the potential environmental effects of continuing the allocation of the three types of development rights, residential, commercial and tourist units. While this summary and the findings below only address staff’s proposed allocation methodology implemented through the amendment of Code Chapter 33, the EA further analyzed two other options (one no action alternative, and two alternative methods for residential allocations) and supports the proposed allocation method contained herein. An important note to make, which is not contained herein, is that various mitigation measures have been identified in the EA to ensure that the Environmental Threshold Carrying Capacities are not harmed by the further allocation of development rights.

Required Findings: the following section provides findings for the proposed Regional Plan amendments, Chapter 33 of the Code and Chapter 7 of the Goals and Policies.

Chapter 6 Findings

1. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code, and other TRPA plans and programs.

Rationale: The amendments to Chapter 33, Allocation of Development, will not adversely affect implementation of the Regional Plan. Staff’s proposed amendment is consistent with the Regional Plan and TRPA plans and programs. This amendment furthers the ideals of the EIP by providing incentives to gain additional development allocations by implementing EIP projects at a rate faster than if these incentives were not in place.

2. Finding: The project will not cause the environmental thresholds to be exceeded.

Rationale: The amendments to Chapter 33, Allocation of Development, will not cause the environmental thresholds to be exceeded. The allocations contemplated for release with this amendment are consistent with the total basin build-out numbers analyzed in the 1987 Regional Plan EIS and further provides incentives aimed at implementing EIP projects at a rate faster than if these incentives were not in place.
3. Finding: Wherever federal, state, and local air and water quality standards applicable to the Region, whichever are stricter, must be attained and maintained pursuant to Article V (d) of the Compact, the project meets or exceeds such standards.

Rationale: Any proposal that may come forth due to this provision will be required to meet air and water quality standards as set forth in the TRPA Compact.

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

Rationale: See findings 1 and 2 above.

5. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: See findings 1 and 2 above.

Ordinance 87-8 Findings

1. Finding: That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

Rationale: See Chapter 6 Findings. The amendment is consistent with the Compact and with attainment or maintenance of the thresholds. The allocations contemplated for release with this amendment are consistent with the total basin build-out numbers analyzed in the 1987 Regional Plan EIS and further provides incentives aimed at implementing EIP projects at a rate faster than if these incentives were not in place.

2. Finding: One or more of the following.

a) There is demonstrated conflict between provisions of the Regional Plan Package and the conflict threatens to preclude attainment or maintenance of thresholds;

b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;

c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;

d) That the provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds;

e) That implementation of the provision sought to be amended has demonstrated to be impracticable or impossible because of one or more of the following reason:
1) The cost of implementation outweighs the environmental gain to be achieved.

2) Implementation will result in unacceptable impacts on public health and safety; or

3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

f) That the provision to be amended has shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan Package and complying with the Compact.

Rationale: Finding d) is the most appropriate. The allocations contemplated for release with this amendment are consistent with the total basin build-out numbers analyzed in the 1987 Regional Plan EIS and further provides incentives aimed at implementing EIP projects at a rate faster than if these incentives were not in place. The past methods of allocation did not do enough to spur the development of environmental infrastructure or research necessary for Threshold attainment, as identified in the EIP.

Environmental Documentation: Staff has completed an Environmental Assessment (EA) and proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 and Ordinance 87-8 findings, the EA and information contained herein.

If you have any questions about this agenda item, please contact Peter Eichar at 775-588-4547 or recreation@trpa.org.

Attachments: A. Adopting Ordinance with Exhibits
   1. Code Chapter 33
   2. Development and Implementation subelement of Chapter 7, implementation, of the Goals and Policies
B. Status of Vacant Lots
C. Special Projects Evaluation Criteria – CFA
D. Special Projects Evaluation Criteria – TAU
E. Example TLOS Criteria Matrix
F. Permit Monitoring and Compliance audit guidelines
G. Sample EIP project implementation audit guidelines
H. BMP Targets

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2002 – ______

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, TO IMPLEMENT THE 2001 THRESHOLD EVALUATION REPORT; BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; BY AMENDING CHAPTER VII OF THE 1986 GOALS AND POLICIES PLAN; TO AMEND CHAPTER 33 OF THE CODE OF ORDINANCES RELATING TO RESIDENTIAL UNIT ALLOCATIONS, COMMERCIAL FLOOR AREA ALLOCATIONS AND TOURIST ACCOMMODATION UNIT ALLOCATIONS, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Goals and Policies Plan, Chapter 7, and by amending the Code of Ordinance Chapter 33, in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.20 These amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.

1.30 The Advisory Planning Commission (APC) has conducted a public hearing on the amendments and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendments. At those hearings, oral testimony and documentary evidence were received and considered.

1.40 Prior to the adoption of this ordinance, the Governing Board made the findings required by Chapter 6 of the Code and Article V(g) of the Compact.

1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.60 Each of the foregoing findings is supported by substantial evidence in the record.
Section 2.00  Amendment of the Code of Ordinances

2.10  Subsection 6.10, subparagraph (28) of Ordinance No. 87-9, as amended, is hereby further amended as set forth on Exhibit 1, dated September 4, 2002, which attachment is appended hereto and incorporated herein.

Section 3.00  Amendment of Goals and Policies

3.10  Subsection 6.10 of Ordinance 87-9, as amended, does hereby further amend Chapter 7 of the Goals and Policies Plan to add the underlined language and delete the crossed-out language as shown on Exhibit 2, dated September 4, 2002.

Section 4.00  Interpretation and Severability

4.10  The provisions of this ordinance and the amendments to the Goals and Policies and Code of Ordinances adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the Goals and policies and Code of Ordinances shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Goals and Policies and Code of Ordinances are hereby declared respectively severable.

Section 5.00  Effective Date

5.10  The provisions of this ordinance amending the Goals and Policies, Chapter 7 shall be effective immediately upon adoption. The provisions of this ordinance amending the Code of Ordinances Chapter 33 shall be effective 60 days from date of adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held September 25, 2002, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

Dean Heller, Chairman
Tahoe Regional Planning Agency
New language is underlined in blue; language to be deleted is struck out in red.

Chapter 33
ALLOCATION OF DEVELOPMENT

33.2 Allocation Of Additional Residential Units: TRPA shall allocate the development of additional residential units as follows:

33.2.A Requirement Of Allocation: No person shall construct a project or commence a use, which creates one or more additional residential units, without first receiving an allocation approved by TRPA. This requirement does not apply to affordable housing units approved after January 1, 1986, but shall apply to conversions of such affordable housing to nonaffordable status. In order to construct the project or commence the use, to which the allocation or the exemption therefrom pertains, the recipient of the allocation or exemption shall comply with all other applicable provisions of this Code.

(1) Applicable Residential Uses: The following residential uses referred to in Chapter 18 contain residential units: secondary residences; employee housing; mobile home dwellings; multiple family dwellings; multi-person dwellings; nursing and personal care facilities; residential care facilities; single family dwellings; and summer homes.

(2) Definition Of "Additional Residential Unit": Residential unit is defined in Chapter 2. A residential unit is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1986. The conversion of an existing nonresidential use to a residential use constituting a residential unit is an additional residential unit requiring an allocation under this chapter. The following are not "additional" residential units:

(a) The reconstruction or replacement, on the same parcel, of a residential unit legally existing on or approved before January 1, 1986;

(b) The reconstruction or replacement, on the same parcel, of a residential unit which was allocated and approved pursuant to this Code;

(c) Legally established additions and accessory uses to an existing residential structures, that do not create additional residential dwelling units;

(d) A residential unit constructed on a foundation, the use of which is authorized by Chapter 11.

(e) The relocation of residential units legally existing on January 1, 1986, other than mobile home dwellings, through a transfer approved by TRPA;

(f) The relocation of a legally established mobile home dwelling with existing water, sewer, and electrical services to a mobile home development or to a multi-family dwelling of five units or more, pursuant to a transfer approved by TRPA; or
(g) An existing, legally established mobile home pad with water, sewer and electrical services, whether or not a mobile home is located thereon.

(3) **Maximum Number Of Units And Distribution Of Allocations Among Jurisdictions:** From January 1, 1997 to December 31, 2002, a maximum of 1,475 additional residential units may be authorized to receive permits for construction. The allocation and distribution of allocations each year shall not exceed the following, except for assignment of allocations from the allocation pool administered by TRPA:

<table>
<thead>
<tr>
<th></th>
<th>2002</th>
<th>2003-06</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BASE MAXIMUM YEARLY ALLOCATIONS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>EL Dorado County</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TTSA</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>STPUD</td>
<td>78</td>
<td></td>
</tr>
<tr>
<td>City of SLT</td>
<td>38</td>
<td></td>
</tr>
<tr>
<td>Placer County</td>
<td>88</td>
<td></td>
</tr>
<tr>
<td>Washoe County</td>
<td>59</td>
<td></td>
</tr>
<tr>
<td>Douglas County</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td><strong>Initial Allocation Pool TOTAL</strong></td>
<td>299</td>
<td>294</td>
</tr>
</tbody>
</table>

(a) A total of 1400 additional multi-residential development rights shall be available for the 20-year life of this Plan as bonus units in conjunction with transfer of development rights and/or other TRPA incentive programs designed to attain the goals and objectives of this Plan. Multi residential units shall be subject to the foregoing allocation limitations.

(b) Unused allocations from years prior to 1997 shall not be added to a jurisdiction's successive year's allocations. Unused allocations from 1997 and beyond shall be assigned to the allocation pool.

(c) Allocations assigned to the City of South Lake Tahoe and the STPUD service area within El Dorado County may be assigned to parcels within either jurisdiction provided the sending jurisdiction approves the reassignment. Such reassignment shall not be considered an allocation transfer.

(d) Allocations shall not be distributed to a local jurisdiction if TRPA determines, based on reliable facts, that the jurisdiction lacks sufficient water or sewer capacity to serve new residential development. If the jurisdiction demonstrates to TRPA's reasonable satisfaction that there is sufficient capacity, the TRPA shall distribute the affected allocations to the jurisdiction.

(e) In the event a lack of water and sewage capacity results in an imbalance of allocations to a jurisdiction, a program to recognize the imbalance shall be developed if capacity becomes available.
(4) **Allocation Pool:** At the beginning of each year, unused allocations from the previous year or allocations deducted from a jurisdiction, shall be assigned to a allocation pool administered by TRPA.

(a) TRPA shall initially supply the pool with 400 allocations. The initial allocations shall be replaced by unused or deducted allocations as specified above.

(b) TRPA may assign allocations to parcels throughout the Region providing the recipient retires a sensitive parcel within the Region.

(b) TRPA may assign allocations to jurisdictions that qualify for additional allocations pursuant to the performance review pursuant to subparagraph 33.2.B(5).

33.2.B **Distribution And Administration Of Residential Allocations:** Residential allocations shall be distributed and administered in accordance with the Goals and Policies, this Code, and the Rules of Procedure.

(1) **Distribution of Annual Allocations:** Distribution of allocations for 1993 and beyond shall be by a method or system which permits the participation of parcels with scores below the numerical level defining the top rank in the applicable jurisdiction.

(a) TRPA shall reserve ten percent of each jurisdiction's annual allocations for distribution to parcels below the IPES line. The reserved allocations shall be distributed by a method of random selection by TRPA. A county or city may elect to distribute the reserved allocations, or may be exempt from the set-aside requirement, provided TRPA finds the substitute system or the city/county distribution system, as the case may be, provides an equal or superior opportunity for participation of parcels below the IPES line.

(b) Allocations distributed by TRPA under this subsection may either be transferred or returned to TRPA for reissuance to the jurisdiction of origin. **Unclaimed reserved allocations after June 1, shall be given to the appropriate jurisdiction for issuance.**

(c) A complete application for transfer of a reserved allocation shall be filed no later than June 1 of the year it was distributed.

(d) Upon transfer of a reserved allocation, a complete application for an additional residential unit shall be filed no later than December 31, of the year in which it was distributed. Failure to submit a complete application for a transfer by June 1, of the year in which it was distributed, or to file a complete application for a new residential unit by December 31, of the year in which it was distributed, shall result in the forfeiture of the allocation to the jurisdiction of origin.

(2) **Distribution of the Allocation Pool:** TRPA shall distribute allocations from the allocation pool as follows:
(a) Owners of eligible parcels may apply to TRPA on a first-come, first-serve basis for available allocations in the allocation pool.

(b) TRPA may assign available allocations in the allocation pool to the counties and city based on the results of the performance review as set forth in subparagraph (f) below.

(3) Distribution Requirements: Distribution of allocations, within the limits set in Subsection 33.2.A and consistent with subparagraph (1) above, shall be determined by the counties and city. If any county or city chooses not to distribute allocations within its jurisdiction, then TRPA shall distribute the allocations pursuant to an allocation system adopted by TRPA.

(a) Each county and the city shall notify TRPA, in writing, of its election to not distribute allocations for a given year or years. Notification must be received by TRPA no later than December 31 of the preceding year. The Governing Board may waive this deadline for good cause.

(b) TRPA shall deliver allocations to the counties and city no later than January 15, of the year for which the allocations are reserved, or within 15 days of the effective date of an ordinance providing for residential allocations for that year, whichever is later.

(c) Delivery of allocations shall be accomplished by providing each county and city with the number of allocation forms which corresponds to the allocations available to each county and city in that year. The counties and city shall determine the receiving parcels pursuant to their respective allocation systems and shall indicate the assessor's parcel number (APN) of the receiving parcel on the allocation form. The counties and city shall provide TRPA with a list of assessor parcel numbers which received an allocation. The original allocation forms shall be delivered to the owner of record of the receiving parcel and shall, in addition to the list, constitute evidence of receipt of an allocation.

(d) TRPA shall number each allocation as follows:

(i) The first set of letters shall signify the county or city of origin (e.g., WA, DG, PL, EL, SLT);

(ii) The first set of numbers shall signify the year of issuance (e.g., 87, 88, 89, 90, 91);

(iii) The second set of letters shall signify the type of allocation (e.g., O for original, R for reissued, LS for litigation settlement, AP, allocation pool);

(iv) The second set of numbers shall signify the sequence of the allocation (e.g., for Douglas County the sequence will be 1 through 23).

(Example PL - 87 - R - 56; County-Year-Type-Number)
(e) The counties and city shall notify each owner of a parcel receiving an allocation.

(f) In the event an allocation is returned or forfeited for any reason, the county or city shall notify TRPA by returning the original allocation form and requesting a reissued allocation for assignment to another parcel. If the original allocation form cannot be returned to TRPA, the county or city shall notify TRPA of the reason therefor, and the allocation shall be cancelled by depositing in the U.S. Mail, first class, postage prepaid, a notice of cancellation addressed to the last known address of the owner of the receiving parcel.

(g) TRPA shall take action on a Fertilization Management Program in accordance with section 81.7, prior to the release of 2003 residential allocations.

(4) Administration: An allocation shall entitle the owner of the receiving parcel to either apply for a TRPA permit to construct an additional residential unit or to transfer the allocation to another parcel pursuant to Chapter 34. Distribution of, and other transactions concerning allocations, shall be tracked, accounted for and otherwise treated in accordance with Chapter 38.

(a) Upon receipt of the allocation form from the county, TRPA, or city, the owner of the parcel may file an application with TRPA to either construct a residential unit or transfer the allocation. Failure to either file a complete application or complete a transfer by the deadlines set in subparagraphs (b) and (c) below, shall result in the forfeiture of the allocation to the county, TRPA, or city of origin.

(b) Except as set forth in Section 33.2.C, Multi-Residential Allocations, and sub paragraph (d), below, complete applications for construction of additional residential units shall be filed with TRPA no later than December 31 of the year in which the allocation was distributed.

(c) Transfer of allocations shall be complete no later than December 31, of the year in which the allocation was distributed. Transfers of allocations shall be deemed complete when the applicant has received a TRPA notice of eligibility for the transfer, the conditions of transfer have been fulfilled, and the original allocation form has been signed by the owners of the transferor and transferee parcels, the county or city which issued the allocation, and TRPA. The signatures of the receiving and sending county or city shall be required for intercounty transfers.

(d) Upon transfer of an allocation, a complete application for an additional residential unit shall be filed no later than June 1 of the year after the issuance of the allocation. Failure to file a complete application by June 1 shall result in the forfeiture of the allocation to the city or county of origin.
(e) All unused and deducted allocations previously distributed to each jurisdiction as of January 1 of each year shall be assigned to the allocation pool. Potential allocations not earned pursuant to (5) below do not exist and shall not be placed in the allocation pool.

(5) Performance Review System: Starting January 1, 2003, each jurisdiction shall receive a base allocation according to the Allocation Performance Table below. The base allocation may be enhanced or reduced incrementally according to subparagraphs (a) through (g) below. Starting October 1, 2002, and every year thereafter, the Performance Review Committee (PRC) shall review the performance of the local jurisdictions and TRPA. The review committee shall consist of representatives of the participating counties, City and TRPA and shall review the performance criteria contained in subparagraphs (a) through (g) below. TRPA may establish guidelines to establish consistent evaluations and/or audits for (a) through (g) to assist the Performance Review Committee's review. No jurisdiction shall receive more allocations than the maximum or fewer allocations than the minimum allocations for that jurisdiction shown in the Allocation Performance Table below.

### Allocation Performance Table

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Minimum Allocation with Deductions</th>
<th>Deduction Increments</th>
<th>Base Allocation</th>
<th>Enhancement Increments</th>
<th>Maximum Allocation with Enhancements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Douglas</td>
<td>9</td>
<td>-1</td>
<td>13</td>
<td>1</td>
<td>21</td>
</tr>
<tr>
<td>Washoe</td>
<td>13</td>
<td>-3</td>
<td>25</td>
<td>3</td>
<td>49</td>
</tr>
<tr>
<td>El Dorado</td>
<td>27</td>
<td>-7</td>
<td>55</td>
<td>7</td>
<td>111</td>
</tr>
<tr>
<td>CSLT</td>
<td>11</td>
<td>-3</td>
<td>23</td>
<td>3</td>
<td>47</td>
</tr>
<tr>
<td>Placer</td>
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<td>-4</td>
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<td>4</td>
<td>66</td>
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<tr>
<td>Total</td>
<td>78</td>
<td>150</td>
<td>150</td>
<td>4</td>
<td>294</td>
</tr>
</tbody>
</table>

Note: One deduction or enhancement increment equals the number of allocations shown for individual jurisdictions.

(a) Permit Monitoring and Compliance: Starting October 1, 2002, TRPA shall conduct a representative sample audit of residential permits issued, and compliance inspections performed, by the counties, City, and TRPA. A passing score of 70% for both permit monitoring and tracking is expected. The base allocation shall be enhanced or reduced as follows:

(i) A jurisdiction shall receive one increment of enhancement for a 75% to 90% score for both the project review portion and the compliance portion of the audit.
(ii) A jurisdiction shall receive two increments of enhancement for scores greater than 90% for both the project review portion and the compliance portion of the audit, or

(iii) A jurisdiction shall be penalized one increment of deduction for audit scores below 65%.

(b) **EIP Implementation 2003: TRPA must receive and approve from each jurisdiction, a Water Quality and Air Quality EIP Project list (EIP Component List) that includes project components and their schedule of completion for years 2003-07, in addition to a Maintenance Efficiency Plan (MEP) for those projects by October 2002. The base allocation shall be enhanced or reduced as follows:**

(i) A jurisdiction shall receive one increment of enhancement for TRPA approval of the EIP Component List and MEP.

(ii) A jurisdiction shall receive one increment of enhancement for performance greater than 30% above the yearly CIP performance target in implementation of the local jurisdictions Water Quality CIP/EIP 2000-05 list previously submitted in 2000, or

(iii) A jurisdiction shall be penalized one increment of deduction for not submitting and gaining TRPA approval of the EIP Component List and MEP.

(c) **EIP Implementation 2004-06: TRPA must receive and approve an updated 5 year EIP Component List for years 2005-09, in addition to a Maintenance Efficiency Plan (MEP) by the October prior to the allocation year. The base allocation for years 2004 through 2006 shall be enhanced or reduced as follows:**

(i) A jurisdiction shall receive one increment of enhancement for a 71-110% completion of project component scores for the EIP Component List.

(ii) A jurisdiction shall receive two increments of enhancement for performance greater than 110% completion of project component scores for the EIP Component List, or

(iii) A jurisdiction shall be penalized one increment of deduction for performance 50% below completion of project component scores for the EIP Component List, or not having an approved EIP Component List and MEP.

(d) **BMP Retrofit Implementation 2003: TRPA shall establish BMP Retrofit Targets for 2003-06. The base allocation shall be enhanced or reduced as follows:**

(i) A jurisdiction shall receive one increment of enhancement for developing a program to assist the implementation of the BMP retrofit targets.
(ii) A jurisdiction shall receive two increments of enhancement for adopting a program and demonstrating a resource commitment (e.g., funding, staff resources) to the program to assist in the implementation of BMP retrofit targets, or

(iii) A jurisdiction shall be penalized one increment of deduction if baseline targets for BMP retrofit are not established by October 31, 2002.

(e) BMP Retrofit Implementation 2004-06: The base allocation for years 2004 through 2006 shall be enhanced or reduced as follows:

(i) A jurisdiction shall receive one increment of enhancement for maintaining the jurisdiction specific BMP Retrofit Implementation program and making progress toward meeting established targets.

(ii) A jurisdiction shall receive two increments of enhancement for 100% compliance with the established annual retrofit targets for implementation of BMPs for years 2003 through 2006, or

(iii) A jurisdiction shall be penalized one increment of deduction for not maintaining the jurisdiction specific BMP Retrofit Implementation program or not making progress toward meeting established targets.

(f) Transit Level Of Service 2003: TRPA shall establish baseline Transit Level of Service (TLOS) for each jurisdiction as well as establish targets for increasing the TLOS for 2004-06. The 2003 base allocation shall be enhanced or reduced as follows:

(i) A local jurisdiction shall receive one increment of enhancement for increasing FY 2002-03 total transit operating funds by at least 5% above FY 2001-02 total funding levels. This local funding shall be from sources other than those allocated by or passed through TRPA, and shall be agreed to by the PRC.

(ii) A local jurisdiction shall receive two increments of enhancement for increasing FY 2002-03 total transit operating funds by at least 10% above FY 2001-02 total funding levels. The funding source shall be agreed to by the PRC, or

(iii) A jurisdiction shall be penalized one increment of deduction for any decrease in FY 2002-03 transit operating funding levels below that from FY 2001-02. This shall apply even when a jurisdiction's regularly programmed annual allocation decreases.

(g) Transit Level Of Service 2004-06: The base allocation for years 2004 through 2006 shall be enhanced or reduced as follows:
(i) A jurisdiction shall receive one increment of enhancement for exceeding five of eight TLOS criteria by 10-30% as determined by the jurisdiction specific TLOS Criteria Matrix to be established in the implementing guidelines.

(ii) A jurisdiction shall receive two increments of enhancement for exceeding five of eight TLOS criteria by greater than 30%, as determined by the jurisdiction specific TLOS Criteria Matrix, or

(iii) A jurisdiction shall be penalized one increment of deduction for a 5% or greater decrease in three of eight TLOS criteria as determined by the jurisdiction specific TLOS Criteria Matrix.

(5) Performance Review: Starting October 1, 1997, a performance review committee shall review the performance of the local jurisdictions and TRPA based on the criteria in subparagraphs (a) and (b) below. Starting October 1, 1998, and every two years thereafter, the performance review committee shall review the performance of the local jurisdictions and TRPA based on the criteria in subparagraphs (a) and (b) below. The TRPA Governing Board, after a public hearing held prior to December 31 of the same year following the review, shall establish the two-year annual allocations for the period under consideration by resolution. The annual adjustment shall not exceed ten percent of the base year allocations for that jurisdiction. The review committee shall consist of representatives of the participating counties, City and TRPA and shall develop review criteria consistent with the guidelines below:

(a) Compliance Review Guidelines: The compliance review guidelines are:

(i) Permit Tracking: Prior to October 1, 1997, all permit issuing authorities shall implement an interim permit tracking system recommended by the Performance Review Committee. The committee shall recommend a permanent permit tracking system to be implemented by October 1, 1998 or a later date approved by the Governing Board. Failure to comply with the requirements of either permit tracking system may result in up to a 10 percent reduction in allocations for each year of the allocation period. Delays caused by TRPA shall not require a deduction in allocations for the City and counties.

(ii) Permit Monitoring: Starting January 1, 1998, TRPA shall conduct a representative sample audit of residential permits issued by the counties, City, and TRPA. The review committee shall consider the IPES criteria and the MOU review criteria when establishing the review criteria. A score of less than passing by the permit issuing authority should result in a deduction in future year allocations for that jurisdiction. A score
greater than passing should result in the restoration of allocations deducted. For jurisdictions which do not have a residential MOU, TRPA's performance score shall be used to evaluate the performance of that jurisdiction.

(b) Water Quality Improvements Guidelines: The water quality improvement guidelines are:

(i) Water Quality CIP: Prior to October 1, 1997, each county and the City shall submit a five year water quality CIP list which is consistent with the EIP project list and the 1996-2001 Water Quality Threshold Interim Target. This CIP list shall be updated and submitted to TRPA following the performance review. Failure to submit a CIP list in 1997 may result in a deduction of up to ten percent of the base annual allocation for each year of the five year allocation period. Achievement of a yearly CIP performance target may result in assignment of allocations from the allocation pool in an amount up to ten percent of the base year number. Assignments of allocations from the pool are limited by availability of allocations in the pool.

(ii) Each county and the City shall demonstrate that an adequate amount of money has been included in their budget for maintenance of their water quality facilities. Failure to achieve the target maintenance budget may result in up to a five percent deduction for each year in nonattainment.

(6) Monitoring Requirement: TRPA hereby establishes a monitoring fee of $100 which shall be collected by the entity issuing the allocation from each allocation recipient. The fee shall be used to monitor water quality impacts and permit conformance.

33.3.D Maximum Amount And Distribution Of Allocations For Additional Commercial Floor Area For Years 1997 through 2007: A maximum of 400,000 square feet of additional commercial floor area may be permitted from January 1, 1997, through December 31, 2006. The allocation and distribution of this floor area shall be as follows:

(1) Within Adopted Community Plans: A maximum of 150,000 400,000 square feet of commercial floor area may be permitted in an adopted community plan in which all irrevocable commitments, as defined in the applicable community plan as a requirement to release allocations, have been satisfied. The applicable local jurisdiction shall distribute the allocation subject to the adopted allocation system for that community plan. The distribution of this floor area shall be as follows:

(a) TRPA shall apportion 10,000 square feet of commercial floor area to Washoe County, Douglas County, Placer County, El Dorado County and the City of South Lake Tahoe.
Allocations not assigned by December 31, 1998 shall be reassigned to the Special Projects as set forth in (3) below.

(b) By January 1, 1999, TRPA shall apportion 50,000 square feet of commercial floor area allocation to Washoe County, Douglas County, Placer County, El Dorado County and the City of South Lake Tahoe. The allocation assignment shall be based on a ranking comparison of the jurisdiction's accomplishment of environmental improvements set forth in the adopted community plans within that jurisdiction. The performance review committee (referred to in subparagraph 33.2.5.(5) shall recommend the ranking to TRPA by October 31, 1998. The apportionment shall be according to the following table: as follows:

(c) By January 1, 2005, TRPA shall apportion 50,000 square feet of commercial floor area to Washoe County, Douglas County, Placer County, El Dorado County and the City of South Lake Tahoe. The allocation assignment shall be based on a ranking comparison of the jurisdiction's performance on the approved Five-Year Water Quality and Air Quality EIP Lists within the jurisdiction between January 1, 2002 and October 1, 2003. The apportionment shall be according to the following table:

<table>
<thead>
<tr>
<th>Ranking</th>
<th>Allocations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>20,000</td>
</tr>
<tr>
<td>2.</td>
<td>15,000</td>
</tr>
<tr>
<td>3.</td>
<td>8,000</td>
</tr>
<tr>
<td>4.</td>
<td>5,000</td>
</tr>
<tr>
<td>5.</td>
<td>2,000</td>
</tr>
</tbody>
</table>

(2) Outside Community Plans: Allocations permitted in (1) above may be distributed outside community plans subject to the limitations in subparagraph 33.3.C.(2) and the local jurisdiction has adopted a commercial allocation system that assists in implementing Environmental Improvement Program projects outside CP areas.

(3) Special Projects: A maximum of 200,000 450,000 square feet of commercial floor area may be permitted in adopted community plans or adopted TRPA master plans, in which all irrevocable commitments have been made. TRPA shall administer the special project allocations. The distribution of this floor area shall be as follows:

(a) Goals: The program goals are to promote major projects that result in the construction of threshold-related environmental improvements, to promote transfer of development that results in substantial environmental benefits, and to rehabilitate substandard development.

(b) Eligibility: All projects in adopted community plan or adopted TRPA master plan areas are eligible for special project allocations.
(c) **Evaluation Criteria:** Approval of special projects shall be evaluated and conditioned upon the implementation of environmental improvement projects or transfers of development out of sensitive lands. These projects shall:

(i) Assist in the attainment of the environmental thresholds by constructing projects listed in the TRPA Environmental Improvement Program that address a Threshold standard found not to be in attainment per the 2001 Threshold Evaluation, and

(ii) Provide substantial environmental benefits or mitigation in excess of TRPA's project mitigation requirements.

(d) **Public Assistance:** Public and private partnerships are encouraged. Public assistance through redevelopment agencies, conservancies, local governments, and other means may be considered in evaluating special projects.

(e) **Maximum Amount:** The maximum allocation that may be approved for a special project area within a calendar year is 50,000 square feet of floor area.

(f) **Time Limit:** Initial assignments of allocations shall expire in one year unless extended by TRPA upon a showing of adequate progress toward a project approval.

(g) **Applications:** Each year, TRPA shall consider applications for available special project allocations. Applications shall include a project prospectus that includes site plans, elevations, and preliminary environmental documentation.

(h) **Notifications:** TRPA shall give adequate public notice 90 days in advance of any action assigning allocations. Notifications shall include the general criteria by which the special project will be evaluated.

(i) **APC Recommendation:** The Advisory Planning Commission shall review the applications for special project allocations and make a recommendation to the Governing Board on the awards of commercial and tourist allocations. The performance review committee, referred to in subparagraph 33.2.B(5), shall assist the Advisory Planning Commission and staff in developing review criteria.

(4) **Special Projects Retiring Sensitive Lands:** A maximum of 50,000 square feet of commercial floor area may be permitted through December 31, 2006 for special project allocations that result in the retirement of sensitive lands. The distribution of 50,000 square feet of commercial floor area shall be as follows:

(a) A maximum of 50,000 square feet of commercial floor area may be permitted in adopted community plans or adopted TRPA master plans, in which all irrevocable commitments have been made. The distribution of this floor area shall be in accordance with subsection 33.3.D(3), and limited to special projects when matched by transfers of existing CFA
from sensitive lands that have been restored to cause the area to function in a natural state with provisions for permanent protection from further disturbance.

(4) Reserve: A maximum of 150,000 square feet of commercial floor area allocation shall be reserved for future distribution based on the success of the programs. The distribution of the reserved 150,000 square feet shall be considered as part of the 2001 Threshold Evaluation or upon approval of all the commercial floor area allocations for community plans or special projects.

33.4 Allocation Of Additional Tourist Accommodation Units: TRPA shall allocate the development of additional tourist accommodation units as follows:

33.4.A Requirement Of Allocation: No person shall construct a project or commence a use, which creates additional tourist accommodation units, without first receiving an allocation approved by TRPA. In order to construct the project or commence the use, to which the allocation pertains, the recipient of the allocation must comply with all other applicable provisions of this Code.

(1) Applicable Tourist Accommodation Uses: The tourist accommodation uses set forth in Chapter 18 contain tourist accommodation units.

(2) Definition Of "Additional" Tourist Accommodation Units: A tourist accommodation unit is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987 in accordance with Section 33.4. The conversion of an existing non-tourist accommodation use to a tourist accommodation use constituting a tourist accommodation unit is an additional tourist accommodation unit requiring an allocation under this chapter. The following are not "additional" tourist accommodation units:

(a) The reconstruction or replacement, on the same parcel, of a tourist accommodation unit legally existing or approved on January 1, 1987;

(b) The reconstruction or replacement, on the same parcel, of a tourist accommodation unit, which was legally allocated and approved pursuant to this Code;

(c) Modifications to legally existing tourist accommodation structures and accessory uses thereto;

(d) The relocation of a legally existing tourist accommodation unit, through a transfer approved by TRPA, pursuant to Chapter 34; or

(e) The conversion of legally existing multi family dwellings of six units or more, allocated and approved pursuant to this Code, to timesharing (residential design) units, provided the conversion is provided for in the relevant plan area statement or adopted community plan.
(3) Maximum Number And Distribution Of Allocations For Additional
Tourist Accommodation Units: A maximum of 300 400 additional
tourist accommodation units may be approved for construction
through December 31, 2006. The assignment and distribution of
100 units shall be limited to special projects (in accordance with
sub-section 33.3.D.(3))§ and shall only be permitted when
matched by transfers of existing units from sensitive lands that
have been restored. The assignment and distribution of 100 units
shall be determined after the completion of the 2001 Threshold
Evaluation or upon use of the first 100 units above. The allocation
and distribution of the other 200 units shall be limited to adopted
community plans in conjunction with transfer of existing tourist
accommodation development pursuant to Chapter 34. TRPA shall
allocate the 200 units, as bonus units, to projects within adopted
community plans in accordance with Chapter 35. Distribution of
units within the community plan shall be pursuant to the
provisions of the adopted community plan and the following
criteria:

(a) The additional concentration of tourist accommodation units
is consistent with the TRPA Regional Transportation Plan
and would better promote transit and pedestrian forms of
transportation;

(b) The additional units are part of an overall program to
rehabilitate and upgrade existing tourist accommodation units;

(c) The existing infrastructure capacity, such as sewage
disposal and highway capacities, are sufficient to
accommodate the additional units; and

(d) A demonstration of need for additional units is shown
pursuant to Chapter 14.

§ Amended 12/20/00
CHAPTER VII
IMPLEMENTATION ELEMENT

The Implementation Element provides for commitment and coordination of effort, development of management and financial programs, and incorporation of a monitoring program to measure progress of Plan implementation. It is also a function of this Element to indicate a schedule for attaining environmental thresholds consistent with the programs, strategies, and costs specified by the goals and policies of this Plan. The Subelements are: 1) Institutional, 2) Development and Implementation Priorities, 3) Financing, and 4) Monitoring and Evaluation.

DEVELOPMENT AND IMPLEMENTATION PRIORITIES

GOAL #2
MANAGE THE GROWTH OF DEVELOPMENT CONSISTENT WITH PROGRESS TOWARD MEETING ENVIRONMENTAL THRESHOLDS.

POLICIES

8. A MAXIMUM OF 400,000 SQUARE FEET OF ADDITIONAL GROSS COMMERCIAL FLOOR AREA MAY BE PERMITTED DURING THE SECOND TEN YEARS OF THE PLAN. DEVELOPMENT OF ADDITIONAL COMMERCIAL FLOOR AREA SHALL BE ALLOCATED AS FOLLOWS:

The commercial floor area allocation for the second ten years of the Regional Plan shall focus on the implementation of projects listed in the Environmental Improvement Program (EIP) and promotion of the transfer and rehabilitation of substandard development.

A. A maximum of 100,000 square feet of commercial floor area may be permitted in adopted community plans. A portion of this allocation may also be permitted outside community plans when used to replace commercial allocations used in the first ten years for outside community plans and if it is linked to environmental improvements.

B. A maximum of 150,000 sq. ft. may be allocated to special projects in community plan areas or adopted master plan areas. These projects shall be evaluated on their implementation of environmental improvement projects.

C. A reserve of 150,000 square feet of commercial floor area shall be withheld for future distribution by TRPA based on the success of 8.A and 9.B above. The release of the reserve shall be considered upon the completion of the 2001 Threshold Evaluation or upon the use of all the commercial floor area in 8.A or 8.B above.
D. A maximum of 150,000 square feet of commercial floor area may be allocated after 2002. 50,000 square feet may be allocated to projects within adopted community plans. 50,000 square feet may be allocated to projects as special projects in community plan areas or adopted master plan areas. These projects shall be evaluated on their implementation of environmental improvement projects. 50,000 square feet may be allocated to projects as special projects in community plan areas or adopted master plan areas that retire sensitive lands. These projects shall be evaluated on their implementation of environmental improvement projects and transfer of existing commercial floor area from sensitive lands that restore and retire sensitive lands.


10. A MAXIMUM OF 300 ADDITIONAL RESIDENTIAL UNITS MAY BE AUTHORIZED TO RECEIVE PERMITS FOR CONSTRUCTION DURING THE YEAR 2002. THIS LIMITATION SHALL NOT APPLY TO AFFORDABLE HOUSING UNITS AS DESCRIBED IN THE HOUSING SUBELEMENT. UNUSED 2001 ALLOCATIONS SHALL BE ASSIGNED TO THE ALLOCATION POOL IN 2002. THE ALLOCATION OF THESE RESIDENTIAL UNITS SHALL BE MADE AS FOLLOWS:

<table>
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<th>JURISDICTION</th>
<th>2002</th>
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<tr>
<td>El Dorado</td>
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<td>TSRA</td>
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<td>Washoe County</td>
<td>59</td>
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<tr>
<td>Douglas County</td>
<td>23</td>
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</table>

10. A MAXIMUM OF 1475 ADDITIONAL RESIDENTIAL UNITS MAY BE AUTHORIZED TO RECEIVE PERMITS FOR CONSTRUCTION DURING THE YEARS 2002 THROUGH 2006. THIS LIMITATION SHALL NOT APPLY TO AFFORDABLE HOUSING UNITS AS DESCRIBED IN THE HOUSING SUBELEMENT. ALL UNUSED DISTRIBUTED ALLOCATIONS AS OF JANUARY 1 OF EACH YEAR SHALL BE ASSIGNED TO THE ALLOCATION POOL ADMINISTERED BY TRPA. ALL UNALLOCATED OR DEDUCTED ALLOCATIONS SHALL NOT BE PLACED INTO THE ALLOCATION POOL. THE ALLOCATIONS ASSIGNED YEARLY TO EACH JURISDICTION SHALL BE LINKED TO THE LOCAL JURISDICTION'S PERFORMANCE ON PERMIT COMPLIANCE, IMPLEMENTATION OF WATER QUALITY AND AIR QUALITY EIP IMPROVEMENTS, AND MONITORING AND INCREASED TRANSIT OPERATIONS. THE ALLOCATION POOL SHALL BE USED TO ALLOW PROPERTY OWNERS WHO RETIRE SENSITIVE PARCELS TO RECEIVE AN ALLOCATION. THE ALLOCATION AND DISTRIBUTION OF ALLOCATIONS EACH YEAR

§ Amended 12/19/01
SHALL NOT EXCEED THE FOLLOWING, EXCEPT FOR ASSIGNMENT OF ALLOCATIONS FROM THE ALLOCATION POOL ADMINISTERED BY TRPA.

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<thead>
<tr>
<th>YEAR</th>
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<td>111</td>
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<td>City of SLT</td>
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<td>47</td>
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<td>Placer County</td>
<td>88</td>
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<tr>
<td>TOTAL</td>
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### RESIDENTIAL ALLOCATIONS

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<tbody>
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<td>23 (6)</td>
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<td>300 (80)</td>
<td>300 (89)</td>
<td>300 (70)</td>
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* Douglas County was assessed a 5% (one allocation) deduction in 2001 as part of the 2000 Performance Review evaluation per Subsection 33.2.B(5) of the TRPA Code of Ordinances.

The number in parenthesis indicates the number of residential allocations that were unused in the identified year. Beginning in 1997, the unused allocations are rolled into the allocation pool. Allocations can be assigned from the allocation pool provided the recipient retires a sensitive lot in the basin. The allocation numbers in brackets represent allocations returned to TRPA from the local jurisdiction.

### RESIDENTIAL ALLOCATION TRANSFERS

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### RESIDENTIAL ALLOCATION ASSIGNMENTS FROM POOL

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### NUMBER OF RESIDENTIAL ALLOCATIONS IN POOL

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<tr>
<th>Year</th>
<th>Allocations in Pool</th>
<th># of Allocations Assigned</th>
<th>Remaining</th>
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<td>233 (70)</td>
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<tr>
<td>2001</td>
<td>298 (54)</td>
<td>15</td>
<td>338</td>
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</tbody>
</table>

* Allocation pool was initially stocked with 100 allocations that were required to be replaced with allocations rolled-over from previous year starting in 1997.

( ) Unused allocations.

### VACANT PARCEL STATUS

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Total Active Parcels</th>
<th>Above Line Parcels</th>
<th>Below Line Parcels</th>
<th>Number of Parcels with &quot;0&quot; Scores</th>
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</thead>
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<td><strong>4778</strong></td>
<td><strong>1710</strong></td>
<td><strong>442</strong></td>
</tr>
</tbody>
</table>
SPECIAL PROJECTS EVALUATION CRITERIA - TAU

The following criteria will be used by TRPA staff in evaluating requests for allocations under the Special Projects Allocation System. Based on the applicant's submittal addressing the criteria, a panel of TRPA staff will score each applicant's proposal from 0 to 100 points. A minimum score of 75 will be required for a positive recommendation (even if only one application was submitted). Based on the score, the applications will be ranked. The staff's allocation recommendation to the Advisory Planning Commission and the Governing Board will be based on the ranking. The allocations will be distributed based on applicant's requests starting with the highest ranked proposal. Unused allocations will be deferred to the next evaluation, which will be conducted on annual basis. There will be no recommendation for partial allocations.

Projects that are constructed or have TRPA acknowledged permits may not submit their environmental improvements for allocation credit. Eligible projects shall assist in the attainment of the environmental thresholds by constructing projects listed in the TRPA Environmental Improvement Program and provide substantial environmental benefits or mitigations in excess of TRPA's project mitigation requirements. The maximum score is 100 points total.

1. Priority Groups: Maximum number of points available is 20.

All projects are required to implement and EIP project. Points will be given based on the importance of that project to TRPA and local government. Priority considers immediate needs and benefits, cost and magnitude of the project, relationship to community planning efforts, and project need for assistance. Priority A (20 points) would be the most sought after, Priority B (10 points) would be projects not scoring as well in the categories, or Priority C (5 points) would be EIP projects not relating to community planning efforts or being implemented through other processes.

2. Cost and Contribution Considerations: The maximum number of points for this section is 25.

   A. Contribution of Applicant: Maximum number of points is 10. The amount of the applicant's contribution to the total EIP project will be considered. The higher the applicant's percentage, the higher the number of points assigned. One point will be assigned for each 10% increment.

   B. Total Cost of EIP Project: Maximum number of points available is 10. The total cost of the EIP project will be considered. The higher the project cost, the more points awarded. One point will be awarded for every one million dollars contributed (based on year 2000 dollars).

   C. EIP Cost as a Percent of Total Project Cost: Maximum number of points is 5. The total cost of the EIP project as a percent of the total project cost will be considered. One point will be assigned for each 20% increment.
3. **Commitment Plan:** Maximum number of points is 10.

The more the assurances for the EIP project to be completed, the higher number of points assigned. This includes consideration of property acquisition, financing, grants, committed funding completed project applications and environmental documents.

4. **Rehabilitation of Substandard Development:** Maximum number of points is 10. Rehabilitation of existing development, the use of disturbed sites or restoration of disturbed sites will score the highest.

5. **Public/Private Partnerships:** Maximum number of points is 5. Proposals that utilize a public/private partnership will be awarded points based on the amount of cooperation and the extent of the public benefit.

6. **Substantial Environmental Benefits:** Maximum number of points is 15. Substantial environmental benefits will be judged by the nine thresholds categories, the amount of threshold improvement, and the number of thresholds improved.

7. **Other Substantial Environmental Benefits:** Maximum number of points is 15. This is based on the evaluation of the environmental benefits of the proposed tourist accommodation project. Projects producing non-required benefits such as improved drainage treatment, improved public access, scenic improvements, affordable housing and restoration will score the highest.

The Performance Review Commercial reviewed the criteria at the November 17, 2000 PRC meeting and unanimously recommended that the Advisory Planning Commission recommend that the Governing Board adopt the proposed criteria. Adopted December 2000 by the TRPA Governing Board.
<table>
<thead>
<tr>
<th>Type of Service</th>
<th>Criterion</th>
<th>Passengers</th>
<th>Number of Vehicles in Service (Fixed Service)</th>
<th>Number of Routes</th>
<th>Vehicle Service Hours</th>
<th>Vehicle Service Miles</th>
<th>Daily Service Hours (Avg.)</th>
<th>Miles of Service Area</th>
<th>Linear Miles (Fixed Route Only)</th>
<th>Square Miles (Demand Response &amp; Flex Route)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed Route (TARI &amp; Trolley)</td>
<td>198,847</td>
<td>6</td>
<td>4</td>
<td>10,556</td>
<td>215,533</td>
<td>12</td>
<td>20</td>
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<tr>
<td>Flex Route</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<td>Demand Response</td>
<td>1,791</td>
<td>TAXI</td>
<td>TAXI</td>
<td>TAXI</td>
<td>TAXI</td>
<td>12</td>
<td>N/A</td>
<td>30</td>
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<tr>
<td>TOTALS</td>
<td>200,638</td>
<td>6</td>
<td>4</td>
<td>10,556</td>
<td>215,533</td>
<td>12</td>
<td>20</td>
<td>30</td>
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</table>

This TLOS Criteria Matrix shall be used to determine the number of residential allocations issued under Code subsection 33.2.B(5)(g)

<table>
<thead>
<tr>
<th>Increments</th>
<th>2003</th>
<th>2004-2006</th>
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<tbody>
<tr>
<td>+2</td>
<td>10% increase to FY 01-02 Transit Funding</td>
<td>&gt; 30% increase in 5 of 8 TLOS Criteria</td>
</tr>
<tr>
<td>+1</td>
<td>5% increase to FY 01-02 Transit Funding</td>
<td>10%-30% increase in at least 5 of 8 TLOS Criteria</td>
</tr>
<tr>
<td>Base</td>
<td>No +/- in FY 01-02 Transit Funding</td>
<td>Prior year Level of Service Table</td>
</tr>
<tr>
<td>-1</td>
<td>Decrease in FY 01-02 Transit Funding</td>
<td>&gt; 5% decrease in 3 of 8 TLOS Criteria</td>
</tr>
</tbody>
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MEMORANDUM

November 8, 2000

To: TRPA Performance Review Committee

From: TRPA Staff

Subject: Recommendation for 2001 and 2002 Residential Allocations

2001 AND 2002 RESIDENTIAL ALLOCATIONS

Proposed Action: Vote to recommend that the TRPA Advisory Planning Commission recommend that the TRPA Governing Board approve the distribution of 2001 and 2002 residential allocations as set forth below.

Staff Recommendation: TRPA staff recommends that the number of 2001 and 2002 residential allocations for each local jurisdiction per year as follows:

- City of South Lake Tahoe . . . . . . . . . . . . . . . . . . . . . . . . 38 allocations
- Douglas County . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . To Be Determined
- El Dorado County . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 92 allocations
- Placer County . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 88 allocations
- Washoe County . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 59 allocations

Background: In May 1997, the TRPA Governing Board adopted amendments to Chapter 33 (Allocations) of the TRPA Code of Ordinances. These amendments created the Performance Review Committee (PRC), made up of a representative from each local jurisdiction receiving allocations and a TRPA representative. The TRPA Performance Review Committee was charged with developing specific performance criteria to assign allocations based on the general code amendments approved by the Governing Board in May 1997. The amendments to Chapter 33 created compliance review and water quality guidelines to be used when determining performance of local jurisdictions.

Compliance review criteria included permit tracking and permit monitoring requirements. The interim permit tracking system required that each MOU jurisdiction transmit substantially complete project logs and data forms to TRPA on a monthly basis. (The adopted MOU and Chapter 38 of the TRPA Code of Ordinances also require this data.) The PRC criteria required deductions from the base year allocation amount if monthly reports were not submitted for all months in the audit period. The PRC also developed criteria for evaluating MOU performance on project review and permit compliance (permit monitoring). Because Douglas County does not have an MOU with TRPA, TRPA's performance was used to determine performance for the County.
Water Quality criteria included the submission of a five year Capital Improvement Project (CIP) list which meets the 1996 Water Quality Threshold Interim Target and is consistent with the Environmental Improvement Program. The criteria also include demonstration of adequate maintenance plans for water quality projects. All jurisdictions submitted lists of projects which met the above criteria.

The criteria for maintenance plans requires that each county and the City submit plans to TRPA for review and approval which demonstrates adequate effort toward the maintenance of water quality facilities located within their county or city boundaries, excluding state highways. All jurisdictions prepared and submitted Maintenance Efficiency Plans (MEP). However, Douglas County was requested to make revisions to the maintenance efficiency plan in order to meet the required criteria. To date, the revised MEP has not been submitted to TRPA for review. TRPA staff will be meeting with Douglas County staff in order to assist in revising the MEP. TRPA staff will update the PRC at the November 17, 2000 meeting on the status of the Douglas County MEP and provide a final recommendation on the distribution of 2001 and 2002 residential allocations to the County.

Discussion:

City of South Lake Tahoe

Permit Tracking. The City of South Lake Tahoe met the minimum requirements of the interim permit tracking system for the audit period. The City has continued to improve significantly in their effort to submit project data sheets on a monthly basis.

Permit Monitoring. The City of South Lake Tahoe scored 91.5 percent on the project review portion of the performance audit and scored 90 percent on the compliance portion, exceeding the minimum passing score of 70 percent in both cases.

CIP Project List. A CIP Project List for the City of South Lake Tahoe was submitted to TRPA.

Water Quality Project Maintenance. The City of South Lake Tahoe has submitted a maintenance efficiency plan.

Summary. The PRC recommends that the City of South Lake Tahoe receive 38 residential allocations in 1999 and 2000 (full base year allocations amount with no deductions).

Douglas County

Permit Tracking. Because Douglas County lacks an MOU with TRPA, TRPA’s performance on permit tracking was used for Douglas County. TRPA’s permit tracking was determined to meet the requirements of the interim permit tracking system for the audit year.
Permit Monitoring. Again, TRPA's performance was used to determine Douglas's County's performance score. TRPA scored 83.5 percent on the project review portion of the performance audit and scored 90 percent on the compliance portion, exceeding the minimum passing score of 70 percent in both cases. (It should be noted that the audit of TRPA's performance was conducted by an El Dorado County Building Department staff member and not by TRPA staff.)

CIP Project List. A CIP Project List for Douglas County was submitted to TRPA.

Water Quality Project Maintenance. To date, Douglas County has not submitted a maintenance efficiency plan that meets the review criteria. TRPA staff will be meeting with Douglas County staff in order to assist in revising the MEP. TRPA staff will update the PRC at the November 17, 2000 meeting on the status of the Douglas County MEP and provide a final recommendation on the distribution of 2001 and 2002 residential allocations to the County.

Summary. TRPA staff will be meeting with Douglas County staff in order to assist in revising the MEP. TRPA staff will update the PRC at the November 17, 2000 meeting on the status of the Douglas County MEP and provide a final recommendation on the distribution of 2001 and 2002 residential allocations to the County. Douglas County is eligible to receive 23 residential allocations in 2001 and 2002 (full base year allocations amount with no deductions). Failure to submit a MEP, which meets the review criteria, will result in a five percent deduction (one allocation) of the base year allocations.

El Dorado County

Permit Tracking. El Dorado County met the minimum requirements of the interim permit tracking system for the audit period.

Permit Monitoring. El Dorado County scored 90.9 percent on the project review portion of the performance audit and scored 89 percent on the compliance portion, exceeding the minimum passing score of 70 percent in both cases.

CIP Project List. A CIP Project List for El Dorado County was submitted to TRPA.

Water Quality Project Maintenance. El Dorado County has submitted a maintenance efficiency plan.

Summary. The PRC recommends that El Dorado County receive 92 residential allocations in 2001 and 2002 (full base year allocations amount with no deductions).

Placer County

Permit Tracking. Placer County met the minimum requirements of the interim permit tracking system for the audit period.

Permit Monitoring. Placer County scored 92.25 percent on the project review portion of the performance audit and scored 90 percent on the compliance portion, exceeding the minimum passing score of 70 percent in both cases.

CIP Project List. A CIP list for Placer County has been submitted to TRPA.
**Water Quality Project Maintenance.** Placer County has submitted a maintenance efficiency plan.

**Summary.** The PRC recommends that Placer County receive 88 residential allocations in 2001 and 2002 (full base year allocations amount with no deductions).

**Washoe County**

**Permit Tracking.** Washoe County met the minimum requirements of the interim permit tracking system for the audit period.

**Permit Monitoring.** Washoe County scored 95.25 percent on the project review portion of the performance audit and scored 99 percent on the compliance portion, exceeding the minimum passing score of 70 percent in both cases.

**CIP Project List.** A CIP Project List for Washoe County was submitted to TRPA.

**Water Quality Project Maintenance.** Washoe County has submitted a maintenance efficiency plan.

**Summary.** The PRC recommends that Washoe County receive 59 residential allocations in 2001 and 2002 (full base year allocations amount with no deductions).

If you have any questions or comments on this matter, please contact Paul Nielsen, at (775) 588-4547.

**Attachments:** Permit Monitoring Results
Compliance Monitoring Results
Water Quality Performance Results
## TRPA RESIDENTIAL DELEGATION MOU AUDIT INSPECTION FORM

**County/City**

**APN**

**Applicant/File Name**

**Project Address**

**MOU Database Record Number**

**Inspector**

**Date of Audit Inspection**

### Pregrade Inspection

<table>
<thead>
<tr>
<th>Item</th>
<th>%</th>
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<tbody>
<tr>
<td>Temporary Erosion Control Devices in Place</td>
<td>30%</td>
</tr>
<tr>
<td>Vegetation Protection in Place</td>
<td>20%</td>
</tr>
<tr>
<td>Footprint Laid Out</td>
<td>15%</td>
</tr>
<tr>
<td>Trees to be Removed Identified</td>
<td>15%</td>
</tr>
<tr>
<td>Plans and Permit On-Site</td>
<td>10%</td>
</tr>
<tr>
<td>Excavation for Utilities Laid Out</td>
<td>5%</td>
</tr>
<tr>
<td>Address and APN Posted On-Site</td>
<td>5%</td>
</tr>
</tbody>
</table>

### Intermediate/Winterization Inspection

**Construction At Site Is:**

<table>
<thead>
<tr>
<th>Item</th>
<th>Active</th>
<th>(Inactive)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary Erosion Control Devices Maintained</td>
<td>10%</td>
<td>(20%)</td>
</tr>
<tr>
<td>Vegetation Protection Maintained</td>
<td>10%</td>
<td>(10%)</td>
</tr>
<tr>
<td>Stabilization/Mulching of Disturbed Areas</td>
<td>10%</td>
<td>(20%)</td>
</tr>
<tr>
<td>Cleanup/Removal of Const. Slash &amp; Debris</td>
<td>10%</td>
<td>(20%)</td>
</tr>
<tr>
<td>Removal of All Dirt Spoil Piles</td>
<td>10%</td>
<td>(20%)</td>
</tr>
<tr>
<td>Installed Mech. Stabil. &amp; Drainage Imps.</td>
<td>10%</td>
<td>(10%)</td>
</tr>
<tr>
<td>(where feasible and appropriate)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paving of All Driveway and Parking Areas</td>
<td>30%</td>
<td></td>
</tr>
<tr>
<td>Parking and Mat. Storage on Paved Areas</td>
<td>10%</td>
<td></td>
</tr>
</tbody>
</table>

### Final Inspection

<table>
<thead>
<tr>
<th>Item</th>
<th>%</th>
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</thead>
<tbody>
<tr>
<td>Coverage Per Approved Plans</td>
<td>15%</td>
</tr>
<tr>
<td>Infiltration Devices Installed</td>
<td>15%</td>
</tr>
<tr>
<td>Vegetation Establishment as Necessary</td>
<td>15%</td>
</tr>
<tr>
<td>Dimensions/Height of Structure as Shown on Plans</td>
<td>15%</td>
</tr>
<tr>
<td>Slope Stabilization Complete</td>
<td>10%</td>
</tr>
<tr>
<td>Tree Removal in Conformance with Approval</td>
<td>10%</td>
</tr>
<tr>
<td>Elevation, Colors, Scenic Requirements</td>
<td>10%</td>
</tr>
<tr>
<td>Other Special Conditions of Approval</td>
<td>10%</td>
</tr>
<tr>
<td><em>(or more for non-compliance with substantial requirements)</em></td>
<td></td>
</tr>
</tbody>
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57
UNITS OF ENHANCEMENT

EIP PROJECTS (proposed)

Purpose

To establish a model to be used by TRPA to evaluate implementation of the WQ, AQ and SEZ projects within the EIP by local jurisdictions, where AQ is intended to be only bike lane/bike trail projects.

Methodology

To establish a procedure that recognizes work in progress, each project was reduced to six (6) components, relatively equal in effort and time required. These components are presented in Exhibit A, with a definition of each including the relationship to the CTC Planning Grant and Site Improvement Grant process. This methodology is, therefore, most valid for the California jurisdictions and may require modification for the Nevada jurisdictions.

Procedure

Included in each annual 5-year plan submitted to TRPA would be a table shown as Exhibit B. This Exhibit shows all projects expected to be worked on over the next 5-year period broken into the six (6) components described in Exhibit A. The FY that each component will be completed is shown. All components to be completed within each FY are totaled at the bottom. This represents the expectations, and the level of completion to be monitored by TRPA. At the end of each FY, each jurisdiction will be required to complete a form similar to Exhibit B to show what was actually completed and submit it to TRPA along with qualifying backup (TAC meeting notes, Board action, Notice of Determination, Notice to Award, etc.)

Units of Enhancement will be awarded on the basis of the work completed compared to the expectation in accordance with the following table:

<table>
<thead>
<tr>
<th>% Of Work Completed</th>
<th>Units of Enhancement</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 50%</td>
<td>- 1</td>
</tr>
<tr>
<td>50 - 70%</td>
<td>0</td>
</tr>
<tr>
<td>71 - 110%</td>
<td>+ 1</td>
</tr>
<tr>
<td>&gt; 110%</td>
<td>+ 2</td>
</tr>
</tbody>
</table>

For example, if the seven (7) components shown on Exhibit B for FY 2002-2003 are all completed, the jurisdiction receives +1 Unit of Enhancement. If only three (3) components are completed (43%), the jurisdiction receives a -1 Unit of Enhancement. If eight (8) or more components are completed (i.e., work completed on a project shown in future years), the jurisdiction receives +2 Units of Enhancement.
We have not included the following in the model presented, but feel it should be considered. There are a number of unanticipated conditions that can, and do, negatively impact our ability to move ahead with EIP projects. These include: lawsuits, acquisition delays, unforeseen environmental issues, conflicting thresholds, differing design philosophies, public resistance, even lack of funding. If any of these occurs, the project may be delayed or stopped altogether. The local jurisdictions should not be penalized for conditions not under their control. Perhaps the components submitted as expectations to TRPA could be reduced where a just cause (as above) can be demonstrated.
EXHIBIT A

Site Walk (Planning Grant)

This component occurs early in the planning process and is important to define the project. It includes preliminary hydrology calculations, aerial photogrammetry (to produce the base map), initial field visits by staff to identify the project limits and problem areas within the project, a site walk by all TAC members to insure an adequate evaluation of all design alternatives, and a public scooping meeting.

Preferred Design Alternative Plans (Planning Grants)

The preparation of these plans includes determining the range of alternatives to investigate for each subwatershed, additional hydrology and preliminary hydraulic calculations, preparation of rough draft (conceptual) plans, preparation of a project report, review of report and plans, by TAC and "buy-in" of the preferred alternative.

Environmental Documents (Planning Grant)

Included are all special studies necessary to prepare, circulate, comment, respond and adopt CEQA and/or NEPA documents.

Pre Final Plans (Planning Grant)

This component develops the preferred design alternative plans into a set of plans identified as "draft construction plans in final plan format" in the CTC guidelines. Included in this work are final hydrology and hydraulic calculations, site-specific field topographic surveys, and right-of-way engineering.

Final Plans and Permits (Site Implementation Grant)

This includes finalizing the construction plans, preparing the specifications, obtaining all permits, right-of-way acquisition, and all activities to secure bids, award the contract and obtain Board of Supervisors approval.

Construction (Site Implementation Grant)

Project construction, inspection, quality assurance materials testing, as-built plan preparation, and other construction related work.
## EIP PROJECTS (proposed)

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<td>Site Walk</td>
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<tr>
<td>Preferred Design Alternative Plans</td>
<td>X</td>
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<td>Environmental Documents</td>
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<td>Pre Final Plans</td>
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**EXHIBIT B**
MEMORANDUM

September 3, 2002

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment to the TRPA Code of Ordinances Chapter 35 to Allow the Substitution of Bonus Units for Existing Deed Restricted Affordable Housing Units

Proposed Action: The Governing Board Local Government Committee has recommended amending Chapter 35 to allow the substitution of bonus units for existing deed restricted affordable housing units. The recommended language has been reviewed by the Governing Board’s Local Government Committee on Affordable Housing and reads as follows:

35.2.F Bonus Unit Substitution: Bonus units may be assigned for existing residential units of use in a project area or residential units of use that are the result of TAU conversion pursuant to Subsection 33.7.F on a unit for unit basis, provided that the following conditions are met:

(1) The project area shall be brought up to TRPA development standards applicable for modifications on a developed project area containing existing development and shall meet scenic quality standards if the project is visible from a roadway travel route shoreline travel route, or designated recreation site or bike path;

(2) The local jurisdiction shall inspect and certify that each unit remaining in the project area meets its health and safety requirements for residences;

(3) A deed restriction shall be recorded with TRPA and the local jurisdiction ensuring that the units remaining in the project area meet TRPA's affordable housing definition and will be so maintained; and

(4) The existing units of use not used in the project area are only transferable to multiple family dwellings or multi-person dwellings projects. Projects receiving existing development rights in this manner shall not be subdivided at any time.

35.2.F Bonus Unit Substitution: Bonus units may be substituted for existing development rights on a unit for unit bases. Prior to the release of the bonus unit(s), the site must be brought up to TRPA development standards for a modification project and meet scenic quality standards if the project is seen from a roadway travel route, shoreline travel route, or designated recreation site or bike, the local jurisdiction must inspect and certify that the unit meets their health and safety requirements for residences, a deed restriction shall be recorded with TRPA and the local jurisdiction to the effect that the unit meets the affordable housing
definition and will be maintained as such, and the existing development rights are only transferable to multifamily or multi-person projects. Projects receiving existing development rights in this manner shall not be subdivided at any time.

Staff Recommendation: Staff recommends the Advisory Planning Commission hold a public hearing on this item and recommend the TRPA Governing Board adopt the proposed language in Subsection 35.2.F of the Code of Ordinances.

Background: This amendment is an attempt to provide additional incentives for affordable housing within the scope of the Regional Plan. The proposed Code amendments are being brought forward at the request of the TRPA Local Government Committee. One of the tasks this committee has undertaken, since its formation in July 2000, is to look for opportunities to provide more flexibility in TRPA's Code for the development of affordable housing while, at the same time, not compromising TRPA's environmental goals.

At the April 2001 Local Government Committee meeting there was a discussion regarding the ability to substitute bonus units for existing development rights. The example that was used was an existing 20-unit apartment complex. The owner deed restricts the units as affordable, is assigned bonus units for each unit, and then transfers off the existing development rights to a multi-family project. Staff stated that they were of the opinion the Code would allow this activity today. However, the Code did not limit the transfer to only multi-family.

The committee directed staff to bring language that made it clear that substitution for bonus units is permissible for deed restricted affordable units. Staff was also directed by the committee to draft language that would restrict the transfer of the exiting development rights to multi-family or multi-person projects and prohibit projects that received development rights in this manner from being subdivided. In addition, in order for the existing units to receive bonus units, a deed restriction would have to be recorded with TRPA that restricted the units to the affordable criteria and the units would have to be certified by the local jurisdiction that they meet their public health and safety standards for residences. Code language was brought to both the APC and the Governing Board and adopted in June 2001.

At the May and August 2002 Local Government Committee meetings, a Code amendment was discussed to provide the ability to substitute bonus units for residential units when the residential units are the product of the Tourist Accommodation Unit (TAU) conversion. The Local Government Committee also requested that section 35.2.F be reformatted to read more easily.

How would this work in practice? If a twenty (20) unit hotel converted, one for one, each of its units to deed restricted affordable residential units it could then apply to substitute the twenty (20) residential units of use with twenty (20) bonus units. As a consequence of the substitution with bonus units, there would be twenty (20) residential units of use to transfer off for sale. These residential units of use could only be transferred to a multi-family project and could not be subdivided.
Memorandum to the Advisory Planning Commission
Amendments to Add Threshold Related Research Activities
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If that same twenty (20) unit hotel was only able to convert to a ten (10) unit affordable residential complex because of local jurisdictions requirements for minimum square footage for living space, there would only be ten (10) bonus units earned, ten (10) residential units of use to transfer off to a multi-family project and the remaining ten (10) TAU's could be transferred.

**Required Findings:** The following findings must be made prior to adopting the proposed amendments:

A. **Chapter 6 Findings:**

1. **Finding:** The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.

   **Rationale:** The proposed Code amendments provide clarity and some additional incentives for affordable housing consistent with the Goals and Policies Housing Element and TRPA's residential bonus program. All applications received must be reviewed for compliance with other Code provisions. All projects approved under this new language must meet all Regional Plan standards.

2. **Finding:** That the project will not cause the environmental thresholds to be exceeded.

   **Rationale:** All projects that are approved under this new Code language must make the finding that no threshold will be exceeded. In addition projects that take advantage of the new conversion rules or substitution rules must comply with BMP standards.

3. **Finding:** Wherever federal, state and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

   **Rationale:** See Findings 1 and 2 above.

4. **Finding:** The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

   **Rationale:** See Findings 1 and 2 above.

Ordinance 87-8 Findings

1. **Finding:** That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

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Rationale: These amendments are limited to providing clarification and incentives in the existing Bonus Unit Substitution rules to increase the residential housing stock in the areas of multi-family and multi-persons, and limit the transfers of existing development to non single-family residential projects when bonus units are substituted. When these Code amendments are applied to projects, all environmental standards must be met which includes mitigating any potential impacts to a less than significant level.

2. Finding: One or more of the following:

a) There is demonstrated conflict between provisions of the Regional Plan Package and the conflict threatens to preclude attainment or maintenance of thresholds;

b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;

c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;

d) That the provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds;

e) That implementation of the provision sought to be amended has demonstrated to be impracticable or impossible because of one or more of the following reason:

1) The cost of implementation outweighs the environmental gain to be achieved.

2) Implementation will result in unacceptable impacts on public health and safety; or

3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

f) That the provision to be amended has shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan Package and complying with the Compact.
Rationale: Staff proposes to make Finding d. The clarification of subsection 35.2.F and the language that is being added actually limits the opportunity to transfer off existing development rights to multi-family or multi-persons projects if bonus units are being used as the substitute for the existing units. In addition, the project that uses the existing development rights may never subdivide. The current code does not have these limitations and safeguards.

Environmental Documentation: Based on the above analysis and completion of an IEC, no significant environmental impacts were identified that cannot be mitigated to a less than significant level.

If there are any questions regarding this agenda item, please contact Coleen Shade at (775) 588-4547.
MEMORANDUM

September 3, 2002

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment to the City of South Lake Tahoe Standard and Guidelines-Signage Relating to Sign Enforcement in the City and Signage in the Stateline Redevelopment Area

Proposed Action: Staff proposes to amend certain sections of the City of South Lake Tahoe Substitute Sign Ordinance, adopted by the City and TRPA in 1994. See Attachment A for proposed language changes.

Staff Recommendation: Staff recommends that the Advisory Planning Commission conduct the public hearing as noticed and recommend adoption of the ordinance amending the City of South Lake Tahoe Substitute Sign Ordinance to the Governing Board.

Background: The policy statement in the TRPA Goals and Policies states that in the development of the Regional Plan, it is the policy of the TRPA Governing Board, in cooperation with local jurisdictions, to ensure that height, bulk, texture, form, materials, colors, lighting, signing and other design elements of new, remodeled and redeveloped buildings are compatible with the natural, scenic and recreational values of the Region. This is accomplished through the Community Design Subelement of the Goals and Policies, which established policies relating to the built environment. The policies are to ensure that the built environment is in compliance with the established thresholds.

The following goals and policies of the Community Design Threshold relate to the built environment and the regulation of signage in the Tahoe Basin:

Goal #1
Ensure preservation and enhancement of the natural features and qualities of the Region, provide for public access to scenic views, and enhance the quality of the built environment.

Goal #2
Regional building and community design criteria shall be established to ensure attainment of the scenic thresholds, maintenance of desired community character, compatibility of land uses, and coordinated project review

Policy 1.E.
Signing: In determining sign design, the following should be considered:

1) Off premise signs are prohibited.

2) Signs should be incorporated into building design
3) When possible, signs should be consolidated into clusters to avoid clutter.
4) Signage should be attached to buildings when possible
5) Standards for height, lighting, and square footage for on-premise signs shall be formulated and shall be consistent with the land uses permitted in each district.

These goals and policies are implemented through the regulation of regional outdoor advertising to ensure that commercial communication in all sectors of the community are compatible with the natural, scenic, and recreational values of the Region. The regulations are established in Chapter 26 of the TRPA Code of Ordinances. The purpose of the chapter is to promote and protect the public health, welfare, and safety of the general public by implementing regional outdoor advertising regulations pursuant to Article VI of the Compact, to protect property values, create a more attractive economic and business climate, enhance the aesthetic appearance of the physical community, preserve scenic and natural beauty and provide an enjoyable and pleasing community.

The provisions of Chapter 26 apply throughout the Region, with the exception where the standards may be replaced by equal or superior substitute sign standards. Section 26.5 of the Code of Ordinances allows local jurisdictions to adopt sign standards provided that they are consistent with the goals and policies stated above, equal or superior to TRPA standards, and attain and maintain TRPA Scenic Thresholds. This ordinance can be applied within a community plan area or with the local jurisdictions city limits (area-wide). These standards are considered “substitute” because they replace all or portions of TRPA ordinances adopted to regulate the same subject.

Improvement to the Region’s signage has long been considered a key feature in creating desirable commercial districts and attaining threshold standards therefore substitute standards are a useful tool for developing those community specific standards. Since adoption of the TRPA Sign Ordinance in 1989, the quality, size and placement of signs have steadily improved. However, signage continues to contribute to the scenic quality problem throughout the Region. Specifically, signage continues to produce unacceptable levels of clutter, which is inconsistent with appreciation of the area’s natural values. This includes signs that are too large, too close to the road, and with colors and materials that compete to such an extent as to cause confusion.

Discussion: The provisions for substitute standards have been used extensively throughout the Region to provide community-specific sign standards. In June 1994, the City of South Lake Tahoe (CSLT) adopted the City of South Lake Tahoe Standards and Guidelines for Signage, which TRPA adopted as an equal or superior substitution to Chapter 26 of Code. The substitute sign ordinances applied within the entire City limits and the Stateline/Ski Run community Plan. Since its adoption, the City has amended various sections of the ordinances for clarification purposes, to incorporate new standards, and facilitate enforcement of the signs. The amendments were evaluated for consistency with the Regional Plan Package and were determined to be equal or superior and were subsequently adopted by the TRPA Governing Board.

In June the City’s staff presented proposed amendments to the City Council for consideration and adoption. The proposed staff initiated amendments are primarily a response to address sign implementation in the redevelopment area and to provide a

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more effective means to obtain citywide sign compliances. The proposed amendments are for the most part are minor, housekeeping changes to clarify various code language within the Sign Ordinances. See Attachment A for proposed language amendments to Part II, City-Wide Signage, of the City of South Lake Tahoe Standards and Guidelines. The proposed amendments include clarifying language relating to banner signs, add language relating to nuisances and violations, add new standards for signs within the redevelopment area, and amend the height limitations for freestanding signs in the Transition District of the Redevelopment Plan Area.

The following amendments area being proposed:

1. **Banner Sign:** Amend the City’s ordinance and TRPA ordinance to add a definition for a banner sign and add it to Section 3.00 of the Design Manual as a prohibited sign.

   **Rationale:** In an effort to be consistent with the TRPA, banners signs were referenced to the definition of “Temporary Signs” in the 1997 amendments. The TRPA reference does not define banners, but merely defines “Temporary Signs” as not intended for long term uses. Temporary signs in the Code are permitted but must be consistent with Subsection 26.6, which prohibits the use of banners. This amendment would clarify and provide a definition for a banner.

2. **Can Sign:** Add “Can Sign” to the list of definitions. Can signs are signs in which the sign copy is placed on a transparent face, which is attached to an enclosed box or can, usually made of metal, that has an internal light source.

   **Rationale:** This type of sign is an “Under Canopy” sign that was not defined in the original ordinance. “Under Canopy” signs are required to be suspended beneath and not projecting from the face of a canopy, ceiling, roof, or marquee

3. **Community Benefit Sign:** Amend the list of definitions to include “Community Benefit” signs. Community Benefit” signs are temporary signs displayed by a non-profit organization, to raise funds for a community wide benefit, such as the community blood drive and the like. It does not include advertising for a commercial for profit enterprise, such as a Ski Sale or private arts and craft show and the like. Said Community Benefit signs shall be permitted only in designated areas within adopted community plans.

   **Rationale:** Further clarifies and defines a “Community Benefit” sign and where it can be located (i.e., Bijou/Al Tahoe Community Plan – Chamber of Commerce Area).

4. **Mural:** Clarify the exiting definition of “Mural”

   **Rationale:** To clarify that that a mural cannot contain any copy and that if no copy, it cannot represent a business. For example, a mural depicting an automobile cannot be placed on a business, which repairs automobiles.

5. **Temporary and Advertising Sign:** Amend this section to refer all temporary signs to TRPA sign ordinance. Delete the list of prohibited uses and reference Section 3.01, Signs Prohibited.

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Rationale: To further clarify that all “Temporary” signs requires a permit and must be consistent with Subsection 26.6 of the Code. Clarify whether a sign is considered to be a “Temporary” sign or a "Permanent Affixed" sign and that "Snake", "Pennant", "Festoons", "Portable", "Balloon", and "Banner" signs are prohibited.

6. **Temporary Signs**: Amend "Temporary Signs".

   Rationale: The clarification is to make it clear that the City has the responsibility to approve such signage and that these uses shall meet the requirements of Subsection 26.13 of the TRPA Code of Ordinances, which prohibits the use of banners.

7. **Signs Prohibited**: Amend the “Signs Prohibited” section to clarify the use of sculpture; murals or seasonal graphics are prohibited unless approval is obtained from the City.

   Rationale: The City no longer has an Arts Commission that previously approved such signs, therefore the modification is to reflect that change and place the City staff as the responsible entity to approve these art elements.

8. **Highway Signs**: Clarification of ordinance language relating to highway, street and other regulatory signs that do not require a permit.

   Rationale: In instances that an MOU does not exist between TRPA and an agency with jurisdiction over a travel way, approval of the design is required by TRPA.

9. **Signs in Commercial/Tourist Plan Area**: Delete the reference to CSLT old zoning and add new standards to these plan areas.

   Rationale: The City has adopted TRPA therefore a reference to “zoning” is not needed.

10. **Revocation**: Modify the language to indicate that signs not installed with permits will be subject to a penalty.

11. **Violations**: Modify the ordinance language to create a clear distinction regarding the appropriate process to achieve specific sign compliance.

   Rationale: The City enforces the sign ordinances and this amendment to the ordinances will provide a tool to bring signs into conformance and permitted or removed as a nuisance in a fast and efficient manner.

12. **Penalties**: Modify ordinance to distinguish the penalties for the Nuisances Abatement and the Notice to Appear Process for signs in violation.

   Rationale: The modifications are intended to clarify the penalties if signs are not removed and/or corrected.
13. **Sign Height**: Clarify ordinance language different height limitations for signs on single story and multi-story structures.

   **Rationale**: There is no reference to the height of structures in which the height limits apply. This modification clarifies the original intent.

14. **Mainstreet District Sign Amendments**: Delete entire section and replace with new ordinance language.

   **Rationale**: In the Mainstreet District of the Redevelopment Plan Area, additional standards were applied to the existing sign standards to reflect the architecture of the new redevelopment buildings and the new streetscape. At the time of the original sign preparation in 1994, the extent of the building and streetscape designs were not known. The changes proposed are to insure that the design of the sign will complement the new pedestrian environment and buildings and not dominate the pedestrian environment. The changes do not alter what was previously evaluated in any significant manner, but rather places more specificity into the standards.

15. **Transitional District Sign Amendments**: Amend the ordinances language for signs within the Transitional District of the Redevelopment Area, provide an exception to the caps placed on the sign height and sign area for freestanding signs and provide an exception to the cap placed on the sign area for building signs.

   **Rationale**: The amendments would lift the caps for Multiple Business Complexes, those of which are anchored by a grocery store and that have buildings that are more than 150 feet from a street. The basis behind this amendment is that the nature of Multiple Business Complex (significantly setback from the highway) the caps placed too much of a signage restriction on the property. In place of the existing caps, the limitation in standards for other signs outside of the redevelopment area will be used.

TRPA has not taken action on these items and, therefore, an inconsistency exists between TRPA and CSLT’s sign ordinances. In summary, these changes clarifying existing ordinances do not result in amendments that are less restrictive than TRPA Code. The amendments are consistent with the Goals and Policy, the Code of Ordinances and are found to be equal or superior. It is anticipated that the amendment will result in less confusion in the ordinance and will result in signage improvements especially in the enforcement of illegal banners. It is anticipated that the amendments will help towards attainment of the scenic resources and community design threshold. The amendments will allow for a consistent definition of signs throughout the Region and allow the enforcement of illegal banners, which has resulted in visual clutter along the scenic roadway corridor.

**Findings**: Prior to amending the substitute sign ordinances, TRPA must make the following Findings.

**Chapter 6 Findings**

1. **Finding**: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable
Goals and Policies, Plan Area Statements and Maps, the Code, and other TRPA plans and programs.

Rationale: The amendment to The City of South Lake Tahoe Substitute Sign Ordinance will not adversely affect implementation of the Regional Plan. The Regional Plan package provides provisions for adopting substitute standards to implement desired community character provide the standards are equal or superior. Staff has analyzed the proposed amendments to the City’s Sign Ordinance against the required findings in the Goals and Policy document and the Code and feels that the amendments are consistent. The intent of the amendments is to further clarify existing code language that has caused confusion in the past due to the difference standards between TRPA and the City’s ordinance. The amendment in many cases result in stricter language and in the case of banners, which are prohibited in TRPA’s Code, will further enhance the ability of the City to enforce the prohibition within the City’s limit. Over time the amendments are expected to help make progress towards Scenic and Community Design Threshold attainment in the City.

2. Finding: The project will not cause the environmental thresholds to be exceeded.

Rationale: The amendment will not cause the environmental thresholds to be exceeded. The amendment will results in improvements and clarification of existing sign ordinances within the City of South Lake Tahoe and enhance the abilities of the City to enforce illegal banners which has contributed to scenic degradation along the scenic highway corridor. The clarification that results in the prohibition of banners should help in achieving environmental thresholds.

3. Finding: Wherever federal, state, and local air and water quality standards applicable to the Region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: See findings 1 and 2 above.

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

Rationale: See findings 1 and 2 above.

5. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: See findings 1 and 2 above.
Environmental Documentation: Staff has prepared an Initial Environmental Checklist (IEC) for the proposed amendment. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 findings and the IEC.

Staff will begin this item with a brief presentation. Please contact John Hitchcock at 775-588-4547, or via email at jhitchcock@trpa.org, if you have any comments regarding this item.

Attachment: A. Proposed Language Amendments
ATTACHMENT A: Analysis of sign changes:
May 20, 2002, Gary A. Marchio

Blue/strikeout = delete
Red/italics = new language

1. Section 25-4, Definitions, item 11. "Banner"

Modification: Add a definition for "Banner"

11. Banner Sign See "Temporary sign" means a piece of cloth or other non-durable material such as plastic/vinyl sheets or canvas, that contains copy.

Purpose: Clarification. In an effort to be consistent with the TRPA, banners signs were referenced to the definition of "Temporary Signs". The TRPA reference does not define banners, but merely defines "Temporary Signs" as not intended for long-term use, which according to the TRPA, includes Banners. This causes confusion for the user of the code.

Environmental Effect: None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing Sign Ordinance.


Modification: Add a definition for "Can" sign

14.1 "Can" sign means a sign in which the sign copy is placed on a transparent face, which is attached to an enclosed box or can, usually made of metal, that has an internal light source.

Purpose: Clarification. This type of sign was not defined and it clarifies a type of "Under Canopy" sign.

Environmental Effect: None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing Sign Ordinance.


Modification: Add a definition for "Community Benefit" sign

21.1 "Community Benefit" sign means a temporary sign displayed by a non-profit organization, to raise funds for a community wide benefit, such as the community blood drive and the like. It does not
include advertising for a commercial for profit enterprise, such as a Ski Sale or private arts and craft show and the like. Said Community Benefit signs shall be permitted only in designated areas within adopted community plans.

**Purpose:** Clarification. This type of sign was not defined.

**Environmental Effect:** None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing Sign Ordinance.

4. **Section 25-4, Definitions, item 62. "Mural"**

**Modification:** Clarify a definition for "Mural" sign

62. "Mural" means a picture pictograph (especially large) painted or applied directly on a wall, ceiling or roof, contains no copy and is not a visual representation of a business or service so as to be viewed as advertisement for the business or service.

**Purpose:** Clarification. To make it clear that the mural can not contain any copy and that if no copy, it can not represent a business. For example, a mural depicting an automobile can not be placed on a business which repairs automobiles.

**Environmental Effect:** None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing Sign Ordinance.

5. **Section 25-4, Definitions, item 100. "Temporary and Advertising sign"**

**Modification 1:** Add: "Temporary Signs for TRPA defined temporary activities/uses" to the category of non exempt signs under "Temporary and Advertising" signs, item b.

b. Not Exempt.
   i. Political.
   ii. Temporary Signs for temporary activities/uses as defined in the TRPA Code, Chapter.)

**Purpose:** Clarification. These types of "Temporary and Advertising signs" require a permit.

**Environmental Effect:** None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing Sign Ordinance.
Modification 2: Deleted items i through v. of paragraph c., "Prohibited" and added i. "See section 25-5.1 for a list of all prohibited signs".

c. Prohibited.
   i. Snipe
   ii. Pennants
   iii. Festoons
   iv. Portable
   v. Balloons
   i. See section 25-5.1 for list of all "Prohibited Signs".

Purpose: Clarification. To make it clear whether a sign is considered to be a "Temporary and Advertising sign" or a "Permanently Affixed sign", if the sign is on the list as a "Prohibited Sign", it is not allowed.

Environmental Effect: None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing Sign Ordinance.

Modification 3: Deleted, reformatted and added language for TRPA defined Temporary Activities/Uses, for item 101.1.

101.4 Temporary Signs: Refer to Attachment A of Ordinance 888 for TRPA regulations for TRPA defined Temporary Activities/Uses. Based on the TRPA/City Memorandum of Understanding, the City is authorized to permit temporary activities/uses as defined in the TRPA Code of Ordinances. These activities/uses may have temporary signage subject to the following:

i. Temporary signs for temporary activities (see TRPA Section 26.13.A for specific standards for height and time limits). Note: Per the adopted Bijou/Al Tahoe community plan, the Chamber of Commerce area may display three temporary “community benefit” signs at one time and the size is limited to the physical limits of the display area.

ii. Temporary signs for temporary uses (see TRPA Section 26.13.B for specific standards including approval process. PAS standards noted in sections 26-7 through 12 and time limits).

iii. General sign standards (TRPA Section 26.6 - Design Standards which means all temporary signs for Temporary activities/uses shall be constructed of a solid material.)
affixed to the ground or a building consistent with the Design Standards in 26.6. Since Banners are prohibited, they cannot be used as a temporary sign for a temporary activity or use, with the exception of community benefit signs permitted within designated locations within adopted community plans.

**Purpose:** Clarification. This deletion, reformat and new language is to make it clear that the City has the responsibility to approve such activities/uses and that these activities/uses have specific standards when it comes to Temporary signs.

**Environmental Effect:** None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing Sign Ordinance.

6. **Section 25-5.1, Signs prohibited**

**Modification 1:** Clarify that the use of sculpture, murals or seasonal graphics are not allowed unless they have City approval.

P. The display of sculpture, murals and the like seasonal graphics, unless approved by the City Arts Commission Planning Division.

**Purpose:** Clarification. The City no longer has an Arts Commission and therefore the modification is to reflect that change and place the City responsible to approve these art elements. In addition, the "and the like" was too vague and additional clarification was added to specifically provide for seasonal graphics.

**Environmental Effect:** None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing Sign Ordinance.

**Modification 2:** Add: "Banner signs" to the list of signs prohibited.

25-5.1 **Signs prohibited**

The following types of signs are prohibited in all districts:

A. Pennants, festoons, search lights;
B. Signs imitating or resembling official traffic or government signs or signals;
C. Snipe signs, when located in the public right-of-way;
D. Parked motor vehicle signs;
E. Portable signs, signs not specifically permitted by this chapter, i.e., real estate signs;
F. Animated signs;
G. Balloons;
H. Changeable copy signs; except for manually activated, changed seasonal copy changes;
I. Insignia flags;
J. Flags in the form of pennants or festoons, and the like;
K. Sound producing signs;
L. Illegal signs;
M. Off-premises signs, except for “off-premises” temporary real estate residential open house signs (see SLTCC 25-7);
N. Appurtenant signs, unless counted as a part of approved signage area and each sign does not exceed 12 inches by 12 inches. Further, no appurtenant sign shall be hung from or otherwise attached to a freestanding sign unless the attachment is included as a part of the sign face copy;
O. All signs not specifically noted;
P. The display of sculpture, murals and seasonal graphics, unless approved by the City Planning Division;
Q. Window signs not contained within the 25 percent allowable window signage area. (Ord. 837; Ord. 888 § 1)
R. Banner signs, with the exception of Temporary Community Benefit signs permitted within designated locations in adopted community plans.

**Purpose:** Clarification. Banner signs are a prohibited sign form. This prohibition is in the ordinance in a circuitous manner. It is in the TRPA except for Temporary activities/use section, which refers back to the TRPA design standards, which in turn prohibit Banners as a sign form.

**Environmental Effect:** None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing Sign Ordinance.

### 7. Section 25-7, Signs not requiring Permits

**Modification:** Add: under item G "...or upon approval by the TRPA and a public agency (s) with jurisdiction over the travel way."

G. Highway signs, street signs and other regulatory and directional signs which are located on a public right-of-way shall conform to the applicable sign standards set forth in the Manual on Uniform Traffic Control Devices, 1978, or other standards which may be contained in a memoranda of understanding between the TRPA
and a public agency with jurisdiction over the travel way or upon design approval by the TRPA and a public agency with jurisdiction over the travel way.

**Purpose:** Since there is no MOU with the TRPA now, this essentially provides the same review process as an MOU.

**Environmental Effect:** None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing Sign Ordinance.

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8. **Section 25-14, Signs Permitted in Commercial/Tourist Plan Areas**

**Modification 1:** Deleted the reference to our old zoning noted in parenthesis in the title of this section.

25-14 Signs permitted in (tourist commercial, general commercial, general commercial industrial, and planned general industrial zones) commercial/public service tourist plan areas.

**Purpose:** Consistency. Eliminate references to zoning.

**Environmental Effect:** None. The proposed amendment is minor, non-substantive and is necessary for consistency through out the existing Sign Ordinance.

**Modification 2:** Delete reference to commercial zoning and added the Plan Areas.

B. The following signs require planning department permits and are allowed in the above commercial zones **Plan Areas** and they shall conform with all other standards of this chapter,

**Purpose:** Consistency. Eliminate references to zoning.

**Environmental Effect:** None. The proposed amendment is minor, non-substantive and is necessary for consistency through out the existing Sign Ordinance.

**Modification 3:** Add and delete language to indicate additional standards apply.

B. The following signs require issuance of a permit by the Planning Division and are allowed in the above Plan Areas, provided and they shall conform to the following standards and all other standards of this chapter:

1. All signs permitted in all zones (SLTCC 25-12).
Purpose: Clarification: Make it clear that this category of sign needs to conform to the special standards as well as all other City standards for signage.

Environmental Effect: None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing Sign Ordinance.

Modification 4: Added a new phrase to paragraph 2, "...shall not be counted as building signs provided they conform ..."

2. a. Under canopy pedestrian-oriented signs subject shall not be counted as building signs provided they conform to the following:
   a. Placed at right angle to pedestrian walk; and
   b. Located at or near the public entrance to the building; and
   c. Not internally illuminated; and
   d. Do not exceed five square feet and are a minimum of eight feet above grade of the pedestrian walk.

Purpose: Clarification. Make it clear that these under canopy signs do not count in the computation of building signs if they meet certain standards.

Environmental Effect: None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing Sign Ordinance.

Modification 5: Added phrase to item d. under paragraph 2 ...each side...

2. a. Under canopy pedestrian-oriented signs shall not be counted as building signs provided they conform to the following:
   a. Placed at right angle to pedestrian walk; and
   b. Located at or near the public entrance to the building; and
   c. Not internally illuminated; and
   d. Do not exceed five square feet each side and are a minimum of eight feet above grade of the pedestrian walk.

Purpose: Clarification: The maximum sign area for under canopy signs are to be 5 square feet on each side and not 2 1/2 square feet on each side as is normally required by the ordinance.
Environmental effect: None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing Sign Ordinance.

Modification 6: Added a new item b, under paragraph 2, "b. Those Under Canopy Signs which do not conform ..."

b. Those Under Canopy Signs which do not conform to 2a above, shall be considered to be a building sign subject to requirements contained in SLTCC 25-44 through 25-46, and if in the Stateline/Ski Run CP, see SLTCC 25-47 through 25-50.

Purpose: Clarification: If the under canopy signs do not comply with the standards identified in 2a, then they are required to be considered to be building signs subject to the computation of building sign area.

Environmental Effect: None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing Sign Ordinance.

9. Section 25-28 Revocation

Modification: Delete paragraph that indicates signs not installed with permits will be subject to a penalty.

25-28 Revocation.
The Division may revoke a sign permit for any false statement or misrepresentation of fact in the application. Any sign which has been erected, relocated, change of copy or color, based upon a false statement or misrepresentation, shall be considered an illegal sign and subject to the terms and conditions of this chapter.

If any sign is installed or placed on any property prior to the receipt of a city sign permit, a monetary penalty shall be required pursuant to the planning department fee schedule. The payment of the penalty shall not relieve any person of any other requirements or penalties within this chapter. (Ord. 837)

Purpose: Redundant. This paragraph is now redundant with the new additions outlined in 25-32 under penalties.

Environmental Effect: None. The proposed amendment is minor, non-substantive and is to remove a redundancy in the existing Sign Ordinance.
10. Between Section 25-30 and 31

- **Modifications:** Add a new Section declaring "Prohibited signs" to be a nuisance between Sections 25-30 and 31.

  25-3. **Prohibited Signs declared to be a nuisance**
  The City hereby declares all "Signs Prohibited" as outlined under Section 25-5.1 of the City Code to be a nuisance. Further, since the signs are prohibited, they are not considered to be legal non-conforming signs and therefore there are no rights for their continued use.

  **Purpose:** Enforcement. The use of prohibited signage to augment lawful signs contributes to the proliferation of signs in the basin. This proliferation negatively affects the visual and aesthetic health and welfare of the City. By declaring these signs as a nuisance, it gives the City the ability to remove the prohibited sign and bill the property owner the cost of the removal, if the sign is not voluntarily removed upon notice. Section 17-4 allows the City to make such a declaration.

  **Environmental Effect:** None. The proposed amendment is minor, non-substantive and is considered to be another enforcement tool to the existing Sign Ordinance.

11. Section 25-31 Violations

- **Modifications:** Add: "... the Planning Division has two processes in which to correct sign violations" and add to and re-format some of the existing language that defines the two processes.

  25-31 Violations
  When a violation of this chapter exists, a written notice shall be given to the violator identifying the section of the code which is in violation, the specific action needed to correct said violation, and a reasonable length of time to correct the violation. If, after expiration of the time-frame identified in the notice the violation has not been corrected, a notice to appear citation may be issued in accordance with Chapter 1, Article II SLTCC, or, at the discretion of the planning director, the matter may be referred to the zoning administrator for hearing or the city's legal department for commencement of legal proceedings. the Planning Division has two processes in which to correct sign violations.
1. City's Nuisance Abatement Process:
This process, contained in Chapter 17, Article I of the City Code, shall only be used to correct those sign violations involving the placement of "Prohibited Signs" on public or private property (Section 25-5.1 "Signs Prohibited").

Examples of such violations include, but are not limited to, the placement or installation of pennants, banners or portable signs.

2. City's Notice to Appear Process:
This process, outlined in Chapter I, Article II, shall be used to correct all other sign violations, which are not included under "Signs Prohibited". (Note: at the discretion of the Community Development Director, the matter may be referred to the Zoning Administrator for hearing or the city's legal department for commencement of legal proceedings).

Examples of such violations include, but are not limited to, the placement or installation of a sign without first obtaining a city sign permit or installing a sign that is not consistent with the sign permit.

If any sign is installed or placed on any property prior to the receipt of a city sign permit, a monetary penalty shall be required pursuant to the planning department fee schedule. The payment of the penalty shall not relieve any person of any other requirements or penalties within this chapter. (Ord. 837)

Apparent building and electrical violations shall be turned over to the building department for corrective action. (Ord. 837; Ord. 874 § 5; Ord. 888 § 1)

Purpose: Clarification. It is the purpose of this modification to create a clear distinction regarding the appropriate process to achieve specific sign compliance. For example, the more formal Notice to Appear process is appropriate where the sign can conceivably be permitted and compliance may require simply obtaining a building permit, installing landscaping or signing a deed restriction that compliance will be achieved in 5 years. On the other hand, the more informal Nuisance Abatement process is geared to remove the prohibited signs (nuisance) in a fast and efficient manner and in doing so being able to collect reasonable costs for the removal.

Environmental effect: None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing
Sign Ordinance. Further, the Notice to Appear process is currently in the Sign Ordinance.

12. **Section 25-32 Penalties**

- **Modification:** Add to and reformat existing language to distinguish the penalties for the Nuisances Abatement and the Notice to Appear processes.

**Section 25-32**

1. **City’s Nuisance Abatement Process:**
   Failure to remove the prohibited sign voluntarily shall result in the commencement of the nuisance abatement process and may culminate in the City’s removal and confiscation of the sign and billing the property owner for the costs.

2. **City’s Notice to Appear Process:**
   Any person who fails to comply with the provisions of this chapter, (excluded are "Signs Prohibited") including the placement or installation of a sign without first obtaining a city sign permit, shall be subject to a monetary penalty as set forth in the city’s most current resolution establishing a bail, fine, and penalty schedule. Such penalties may be imposed for each day the violation exists. (Ord. 837; Ord. 874 § 6)

**Purpose:** **Clarification.** The modifications are intended to clarify the Penalties if signs are not removed and/or corrected.

**Environmental Effect:** None. It should be noted that the Notice to Appear process and Penalties are already in the Sign Ordinance and the Nuisance Penalties have been added to augment the enforcement alternatives. As a result, the proposed modifications are minor, non-substantive and are considered to be another enforcement tool within the existing Sign Ordinance.

13. **Section 25-42 Sign Height**

- **Modification:** Add: If "a single story building"… for both items 1 and 2 under Standard B.

  B. Standard. For all other signs, including window signs and banners;

  1. If *a single story building is located within 50 feet of the property line*, the maximum sign height shall be 15 feet, measured from grade.
2. If a single story building is greater than 50 feet, the maximum sign height shall be 25 feet.

**Purpose:** Clarification. There is no reference to the height of structures in which the height limits apply. This modification clarifies the original intent.

**Environmental Effect:** None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing Sign Ordinance.

- **Modification:** Add "For multi-story buildings"... to Standard C.

C. Standard. *For multi-story buildings*, a building sign height over 15 feet is allowed, up to a maximum of 26 25 feet. (Ord. 837; Ord. 888 § 1)

**Purpose:** Clarification. There is no reference to the height of structures in which the height limits apply. This modification clarifies the original intent.

**Environmental Effect:** None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing Sign Ordinance.

14. **Section 25-50 Mainstreet**

- **Modification:** Delete entire section and add new section.

A. Standard. Freestanding signs shall not be permitted.

**Guideline:** The use of building, landscape wall, projecting and permanent window signs are encouraged.

B. Standard. Because freestanding signs are not allowed in the Mainstreet district, the computation of that sign area and its transfer to the building is not allowed. If a building sign is desired, then the computation shall be limited to that portion of the formula which relates to building signs only.

C. Standard. One landscape wall sign is allowed for each parcel. The use of a landscape wall sign in conjunction with a building sign shall be allowed provided the following findings are made:

1. If a combination of landscape wall signs and building signs are used, then the total square feet shall not exceed the amount allowed for building signs.
2. There shall be an approved master sign plan for the site.

D. Standard. The height of the landscape wall on which the copy is placed shall not exceed three feet high, unless it is a part of an engineered structural element to facilitate the use of the site, such as a retaining wall. The height shall be as is necessary to accomplish its purpose, however, conditions shall be placed to insure it maintains a pedestrian scale.

Guideline. Pedestrian scale is usually measured at four feet high.

E. Standard. The sign copy shall be placed parallel to the street when erected on a landscape wall.

F. Standard. Under canopy projecting signs shall be allowed subject to:
   1. The sign shall not project more than four feet.
   2. The sign shall be limited to nine square feet on each side.
   3. The sign shall not be lower than eight feet above grade or exceed 15 feet.
   4. The sign shall be placed over a public sidewalk or within six feet of a public sidewalk.
   5. The sign shall not be an internally illuminated "Can" sign.
   6. The projecting sign area shall be subtracted from the building sign area.

Guideline:
   1. The sign should rely on graphics rather than copy.
   2. The sign should be of a carved material or the graphic is the sign.

G. Standard. Building sign height shall be limited to 15 feet.

H. Standard. The maximum building sign area allowed in the Mainstreet district shall be limited to 40 square feet. (Ord. 837)

A. Standard: Freestanding signs shall not be permitted. (Note: Landscape wall signs, as defined, are not considered to be freestanding signs, but are counted as building signs.)

Exception 1: The Park Avenue and the Van Sickle Avenue frontages in the Mainstreet District are allowed freestanding signs. The Design Standards for this exception sign are:
a. Materials: Stone retaining wall matching the architectural stone with metal lettering on
a rectangular solid backdrop. Metal letters may be applied directly to the stone wall as an option. No can signs allowed.

b. Letter height: Up to 2'-0".
c. Wall height: Up to 4'-0", unless in a defined clear zone in which case the sign can be up to 3'-0".
d. Sign area: Maximum of 20 square feet per sign face for a maximum of 40 square feet. The height and width of the solid backdrop on which the letters are attached shall be used to compute the sign area. The stone wall, on which the solid backdrop is attached, shall not be counted as sign area.

e. Installation method: Concrete footing.
f. Lighting: Up lighting from non-visible source on ground or back lighted individual letters onto solid backdrop.
g. Sign Orientation: Either parallel or up to 90 degrees to the centerline of the street.
h. Number allowed:
- Grand Summit Hotel: One onsite Freestanding Sign on Park Avenue.
- Timber Lodge: One onsite Freestanding Sign on Van Sickle Road.
i. Purpose: To allow some auto oriented signage in the non-intensive pedestrian public space, while maintaining a pedestrian scale for the sign.

B. Standard: Landscape wall signs: The design standards for a Landscape Wall sign are:

a. Materials: Stone retaining wall matching the architectural stone with metal lettering on a rectangular solid backdrop. Metal letters
b. Letter height: Up to 2'-0".
c. Wall height: The wall on which the sign is placed shall not exceed 4'-0" unless in a defined clear zone in which case the wall can not exceed 3'-0".

Exception: if the wall is a part of a structural element to facilitate the use of the site, i.e., a retaining wall, the wall height shall be as high as deemed appropriate by an engineer to accomplish the wall's purpose. As a part of the sign permit, conditions may be imposed to insure a pedestrian scale is maintained for the wall, including terracing or other landscape features.

d. Sign area: Maximum of 40 square feet. This is a total maximum square footage for the sum of all Landscape Wall and Building signs on the parcel (Note: If the formula is computed to determine sign area, the freestanding portion of the sign area computation shall not be transferred to the landscape wall/building sign area). The height and width of the solid back drop on which the letters are attached shall be used to compute the sign area. The stone wall, on which the solid backdrop is attached, shall not be counted as sign area.

e. Installation method: Concrete footing.
f. Lighting: Up lighting from non-visible source on ground or back lighted individual letters onto solid backdrop.

g. Sign Orientation: Only parallel to the centerline of the street.
h. Number allowed: One for the Timber Lodge, one for the Gondola and one for the Grand Summit on U.S. Highway 50.

i. Purpose: To not have a proliferation of freestanding signs along the Highway corridor but rather have those signs which are a part of a landscape feature, such as a retaining wall, be allowed to incorporate signage. If the sign is not a part of a landscape feature, then the sign may be permitted provided it is
integrated into the landscape so as not to be a dominant sign form. Such integration shall include such items as pedestrian amenities such as pedestrian seating, water feature, art, boulders or the use of landscape material to frame and soften the sign from all sides.

C. Standard: Building signs: There are two types of building signs:
- those which provide secondary identification to the major buildings, and
- those which identify the individual businesses.

The design standards are:

1. Secondary Identification of Major Buildings:
   a. Materials: Signs may be metal or wood; No can signs allowed.
   b. Letter height: Up to 1'-2".
   c. Sign height: Up to 15'-0".
   d. Sign area: Maximum of 40 square feet. This is a total maximum square footage for the sum of all Landscape Wall and Secondary Identification of Major Building Signs on the parcel. (Note: If the formula is computed to determine sign area, the freestanding portion of the sign area computation shall not be transferred to the landscape wall/building sign area.)
   e. Installation method: Flush attachment to building wall and avoid contrasting attachment anchors.
   f. Lighting: Down lighted from non-visible source on building wall.
   g. Sign Orientation: Varies depending on building wall orientation.
   h. Number allowed: Four for the Timber Lodge, two for Cecil's Market, two for the Transit Center, none for the Gondola, two for the Grand Summit Hotel, one for the Cinema, one for the Parking Garage.
   i. Purpose: To provide pedestrian level identification for major buildings in the project site.

2. Individual Businesses: There are two types of individual business signs:
   - those which provide identification to businesses with an elevation sign to be viewed from the street and sidewalks, and
those which provide identification to businesses from the pedestrian space under the canopy of the building arcade.

a. Building signs (Elevation):
   i. Materials: Signs may be metal or wood; no can signs will be permitted.
   ii. Letter height: up to 9”.
   iii. Sign height: Varies depending on the arcade fascia.
   iv. Sign area: In place of the formula, the sign area is regulated by the uniform backdrop dimensions of a height of 1’-4” and a length of 8’-0”.
   v. Installation method: Signs shall be hung from the soffit board of the arcade. See City Planning for criteria.
   vi. Lighting: Down lighted from non visible source from arcade wall. See City Planning for criteria.

vii. Sign Orientation: Varies depending on arcade orientation.
viii. Number allowed: One for each tenant space.

ix. Purpose: To provide business locations with a building sign (elevation) that can be viewed from the street and sidewalk.

b. Under Canopy Projecting Arcade Sign
   a. Materials: Signs may be metal or wood; no can signs will be permitted.
   b. Letter height: Variable, typical is 6”.
   c. Sign height: Bottom of Sign is no lower than 8 feet from sidewalk, nor higher than 15 feet.
   d. Sign area: In place of the formula, the sign area is regulated by the uniform backdrop dimensions of a maximum height of 2’-0” and a maximum length of 3’-6”.
   e. Installation method: Signs shall be attached to and hung at 90 degrees to the wall of the building. The mounting brackets shall be strong enough to prevent
sagging over the life of the sign.

f. Lighting: None. The arcade lighting will illuminate the sign.

g. Sign Orientation: 90 degrees to the building wall on which it is attached.

h. Number allowed: One for each tenant space.
i. Purpose: To provide identification to businesses from the pedestrian space under the canopy of the building arcade.

D. Standard 4. Seasonal Graphics: are allowed subject to the following:

1. All the public infrastructure has been installed according to a City approved master streetscape plan: including curbs, gutter, sidewalks/bike trails, landscaping and street lights;

2. All the signs are in conformance with the City Sign Ordinance and the building design and improvements are in conformance with the City Design Standards.

3. The light standard is designed to accept the seasonal graphic.

4. There is a business association in place,

5. Conform to the following:

   a. Materials: fabric, metal or wood; no can signs will be permitted.

   b. Letter height: Not applicable

   c. Sign height: Bottom of graphic is no lower than 8 feet from sidewalk, nor higher than 15 feet.

   d. Sign area: a maximum length of 4'0" and a maximum width of 1'6".

   e. Installation method: Signs shall be attached to the light pole on City Building Division approved mounting brackets to prevent bending from wind and snow loads over the life of the brackets.

   f. Lighting: None. The streetlight will provide illumination.

   g. Sign Orientation: 90 degrees to the street

   h. Number allowed: Maximum of 2 per light pole.

   i. Purpose: To provide a festive character to the pedestrian streetscape environment.

6. Have City Planning approval to insure compliance with these provisions prior to installation.
Purpose: Clarification. It is the purpose of this modification to provide clear and specific design standards for the Mainstreet District of the Park Avenue Redevelopment project Area that compliments the final architecture of the buildings and streetscape. The original design standards were drafted without knowledge of the new architecture and streetscape and therefore were purposefully left in more general terms.

Environmental effect: None. The proposed modification is consistent with and in many instances more restrictive than what was analyzed in the EIR/EIS for the Sign Ordinance. Therefore the modification is considered to be minor and non-substantive clarifications to the existing Sign Ordinance.

15. Section 25-51 Transitional District

- Modifications: Add: Language to Standard A regarding certain Multiple Business Complex freestanding signs to be exempt from the low profile height requirements provided they conform to the City wide standards for freestanding signs. Also delete Guideline.

A. Standard. The freestanding signs shall be limited to low-profile signs (see definitions for low profile).

Exception: Multiple Business Complexes in which the primary tenant is a major grocery store and set back a minimum of 150 feet from the front property line shall be allowed to have freestanding signs with heights consistent with the City Sign Formula.

Guideline: The freestanding signs may either be parallel or at right angles to the street.

Purpose: Consistency. Due to the above noted design of these types of Multiple Business Complexes, the low profile type of signing does not allow for the identification of multiple tenants at the street. The use of the City wide standards will permit this option.

Environmental Effect: None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing Sign Ordinance.

This is based on the City wide height standard of 12 feet which was evaluated in the 1994 sign EIR/EIS. The proposed
modification will not significantly affect the environment, including scenic quality. The basis of this finding is as follows:

1. The proposed exception is in keeping with the intent to provide a visual transition between the prohibition of freestanding signs in the Mainstreet District and the Parkway District, which can have the City wide height standard of 12 feet.

2. Although the height of a low profile sign is 6 feet (setback 5 feet from the property line), the maximum height for the City wide freestanding signs is 12 feet (setback 21 feet from the property line). The intent of this increase in setback was to mitigate any scenic effect created by the higher height.

3. This mitigation among other scenic measures including the landscaping of the entire required front yard setback results in a finding of no significant effect on the environment, including scenic.

- **Modifications:** Add: Language to Standard B regarding certain Multiple Business Complex freestanding signs to be exempt from the sign area limitations (cap) placed on property within the Transitional District of the Redevelopment Plan Area provided they conform to the City wide standards for sign area for freestanding signs.

B. Standard. The maximum freestanding sign area allowed in the Transitional district shall be 80 square feet. The maximum building sign area shall be 40 square feet. (Ord. 837)

*Exception 1: Multiple Business Complexes in which the primary tenant is a major grocery store and setback a minimum of 150 feet from the front property line, shall be allowed to have freestanding signs with sign areas consistent with the City Sign Formula. The Design Standards for this exception sign are:

a. **Materials:** Signs to be constructed of stone, metal and wood; no can signs will be permitted.

b. **Letter height:** Variable

c. **Sign height:** Based on City Sign Formula.

d. **Sign area:** Based on City Sign Formula.

e. **Installation method:** Concrete footer with steel framing.

f. **Lighting:** Down lighting from non-visible light source on the freestanding sign.

g. **Sign Orientation:** Variable, based on City Sign Formula.*
Purpose: Consistency. Due to the above noted design of these types of Multiple Business Complexes, the limitation of sign area does not allow for the identification of multiple tenants at the street. The use of the City wide standards will permit this option. In addition, this modification provides clear and specific design standards for the exception as noted in the Transitional District of the Park Avenue Redevelopment Project Area that are complimentary of the final architecture of the buildings and streetscape. The original design standards were drafted without knowledge of the new architecture and streetscape and therefore were purposefully left in more general terms.

Environmental Effect: None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing Sign Ordinance.

This is based on the 1994 sign EIR/EIS that evaluated the City-wide sign ordinance. The document found that freestanding signs allowed by the City-wide sign ordinance without the limitation (cap) would not have a scenic impact. Consequently, the proposed modification will not significantly effect the scenic environment. Further, the, specificity and restrictive character of the design standards will insure scenic quality is at least maintained as evaluated in the EIR/EIS, if not enhanced.

Modification: Add: Language to Standard B regarding Multiple Business Complex building signs to be exempt from the sign area limitations (cap) placed on property within the Transitional District of the Redevelopment Plan Area provided they conform to the City-wide standards for sign area for building signs.

B. Standard. "... The maximum building sign area shall be 40 square feet. (Ord. 837)"

Exception 1: Multiple Business Complexes in which the primary tenant is a major grocery store and set back a minimum of 150 feet from the front property line, shall be allowed to have building signs with sign areas consistent with the City Sign Formula. The Design Standard for this exception sign is:
a. Materials: 2" thick x 18"-24" high, internally illuminated Plexiglas faced individual channel aluminum letters.

b. Letter height: Variable:
   Major grocery store
   Store name: up to 4'8"
   Secondary uses: up to 24"
   Major tenant names: up to 30"
   Other tenants names: up to 18"

c. Sign height:
   Major grocery store
   Store name: up to 25 feet
   Secondary uses: up to 15 feet
   Major tenant names: up to 15 feet
   Other tenants names: up to 15 feet.

d. Sign area: Based on City Sign Formula.
e. Installation method:
   Letters affixed to a 6x6-painted channel raceway sandwiched between two arcade beams. See concept sketch.

f. Lighting: Internally illuminated channel letters.

g. Sign Orientation: Varies depending on arcade orientation.

h. Number allowed:
   Major grocery store: 3
   Major tenants: One for each tenant space
   Other tenants: One for each tenant space.

i. Purpose: To provide tenant information for the neighborhood retail project

Purpose: Consistency. Due to the above noted design of these types of Multiple Business Complexes, the limitation of building sign area does not allow for the identification of primary multiple tenants. The use of the city wide standards will permit this option.

In addition, this modification provides clear and specific design standards for the exception as noted in the Transitional District of the Park Avenue Redevelopment Project Area that are complimentary of the final architecture of the buildings and streetscape. The original design standards were drafted without knowledge of the new architecture and streetscape and therefore were purposefully left in more general terms.
Environmental Effect: None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing Sign Ordinance.

This is based on the 1994 sign EIR/EIS that evaluated the City wide sign ordinance which included the sign area provisions for building signs without the area limitation (cap). The document found that building signs allowed by the City wide sign ordinance without the limitation (cap), would not have a scenic impact. Consequently, the proposed modification will not significantly effect the scenic environment. Further, the specificity and restrictive character of the design standards will insure scenic quality is at least maintained as evaluated in the EIR/EIS, if not enhanced.

16. Section 25-1 through 25-53

- Modification: Change the word Department to Division through out Chapter 25

  Purpose: To reflect the re-organization of the Planning operation.

  Environmental Effect: None. The proposed amendment is minor, non-substantive and is considered to be clarification to the existing Sign Ordinance.