

37.4. HEIGHT STANDARDS FOR BUILDINGS

37.4.1. Maximum Heights for Buildings

Outside of Centers and except as provided in Section 37.5, the maximum heights for buildings are set forth in the following table.

TABLE 37.4.1-1: MAXIMUM HEIGHTS FOR BUILDINGS

Percent Slope Required Adjacent Residing Site	Roof Pitch										
	0:12	1:12	2:12	3:12	4:12	5:12	6:12	7:12	8:12	9:12	≥10:12
0	24'-0"	25'-2"									
2	24'-0"	25'-0"									
4	25'-0"										
6	25'-0"										
8	26'-0"										
10											
12											
14											
15											
16											
20											
22											
24											

Note: Cells shaded in grey are considered "additional height" and subject to additional approval criteria in Sec. 37.4 through 37.7.

Example: Calculation of Height from Table 37.4.1-1

A house with

Percent slope required adjacent to existing building = 10:12

Roof pitch = 10:12

Can have a maximum height = 40'

37.4.2. Maximum Height for Buildings on Slopes

For a building located on a sloping site with a percent cross slope retained across the building site of 10% or greater, the maximum height shall be determined as follows:

- A. For purposes of measuring height, the building may be divided into up to three distinct, attached segments (e.g., steps or terraces);
- B. Each segment of the building shall comply with the base maximum height permitted by Table 37.4.1-1, except that the ground floor segment shall not exceed 28 feet in height, including any additional height approved under Section 37.5, as measured from the lowest point of natural grade of each segment; and
- C. The total maximum height of the building as measured from the lowest point of the structure to the highest point on the structure shall not exceed 150% of the average maximum height of each of the building segments.

37.4.3. Exceptions

Notwithstanding the maximum height limits in subsection 37.4.1, the following projections and appurtenances may extend above the height limits of Table 37.4.1-1, subject to the standards provided.

A. Chimneys and Other Rooftop Appurtenances

Chimneys, flues, vents, antennas, and similar appurtenances may be erected to a height ten percent greater than the otherwise permissible maximum height of a building, or a height of six feet, whichever is less.

B. Flagpoles

One flagpole per building may be permitted as an appurtenant structure, not to exceed 15 percent of the otherwise permissible maximum building height, or 30 feet, whichever is less, provided that:

- 1. The flagpole shall be of a dark color and shall not have a shiny reflective finish.
- 2. The flagpole shall be used for non-commercial displays only; and
- 3. For purposes of this subsection, structures housing gaming referenced in Article VI(e) of the Compact shall be deemed to comply with site development provisions related to height.

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37.5 Additional Height for Certain Buildings

37.5.1 Approval of Building Heights Greater Than 26 Feet

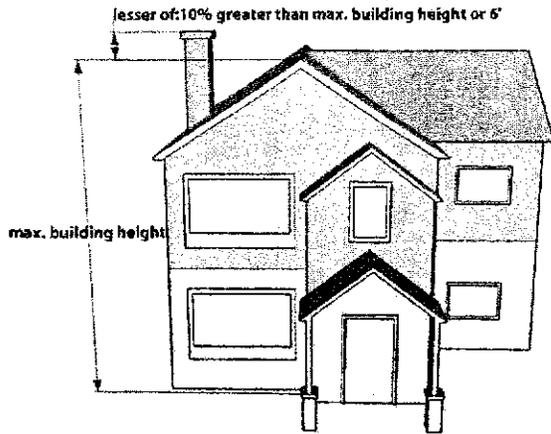


Figure 37.4.2-A: Example Chimney Exception Measurement

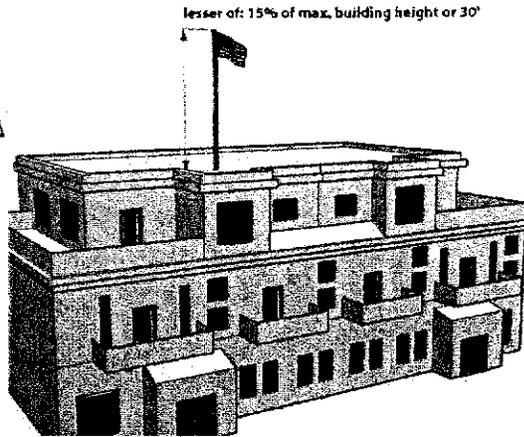


Figure 37.4.2-B: Example Flagpole Exception Measurement

37.5. ADDITIONAL HEIGHT FOR CERTAIN BUILDINGS

TRPA may approve building heights greater than those set forth in Section 37.4 in accordance with the following provisions and provided that TRPA makes the applicable findings in Section 37.7.

37.5.1. Approval of Building Heights Greater Than 26 Feet

Building heights greater than 26 feet may be approved if the project is in compliance with the standards in Section 66.1: *Scenic Quality Standards*, and TRPA makes the findings specified below. If, in any case, the TRPA is unable to make the required findings, maximum building height shall be limited to that height for which the required findings can be made.

- A. Additional Height for Roof Pitch of Up to 5:12**
Building height greater than 26 feet, up to the maximums set forth in Table 37.4.4-1 for a roof pitch of 5:12, may be approved if TRPA makes finding 1 as set forth in Section 37.7.
- B. Additional Height for Roof Pitch Greater Than 5:12**
Building height greater than set forth in Table 37.4.4-1 for a roof pitch of greater than 5:12 may be approved for residential buildings if TRPA makes findings 1, 2, and 8 as set forth in Section 37.7, and for other buildings if TRPA makes findings 1, 2, 3, and 8 as set forth in Section 37.7.

37.5.2. Additional Building Height for Public Service, Tourist Accommodation, and Certain Recreation Buildings

TRPA may approve building heights greater than those set forth in Section 37.4 for buildings whose primary use is public service, tourist accommodation, or certain recreation uses as follows:

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37.5 Additional Height for Certain Buildings

37.5.2 Additional Building Height for Public Service, Tourist Accommodation, and Certain Recreation Buildings

A. Additional Building Height With Required Findings

The maximum heights specified in Table 37.4.1-1 may be increased by up to four feet, but not to exceed a maximum height of 38 feet, provided TRPA makes the following findings in Section 37.7:

1. For tourist accommodation buildings: findings 1, 2, and 3;
2. For public service buildings: findings 1, 2, 3, and 4; and
3. For certain recreation uses, including downhill ski facilities, cross country skiing facilities, or recreation uses whose primary recreation use is participant sports facilities, recreation centers, or sport assembly: findings 1, 2, 3, 4, and 7.

B. Additional Building Height for Reduced Land Coverage

The maximum building heights specified in Table 37.4.1-1 may be increased for reductions in the amount of land coverage otherwise permitted within a project area pursuant to Chapter 30: *Land Coverage*. The maximum building heights may be increased by one foot for each onsite reduction in land coverage equal to five percent of the base allowable land coverage, or existing land coverage, whichever is greater, up to a limit of four additional feet, but not to exceed a maximum height of 42 feet, if TRPA makes findings 1, 2, 3, and 5 in Section 37.7.

C. Additional Building Height for Public Service and Certain Recreation Buildings That Are Not Visible From Lake Tahoe and That Are Not Located Within or Are Not Visible From Designated Scenic Highway Corridors

The maximum building heights specified in Table 37.4.1-1 may be increased by up to eight feet, but not to exceed a maximum of 42 feet, if the building will not be visible from Lake Tahoe and the building is not located within a TRPA-designated scenic highway corridor pursuant to Chapter 67: *Historic Resource Protection*, provided TRPA makes findings 1, 3, 4, 7, and 8 in Section 37.7. An additional two feet, not to exceed a maximum of 42 feet, may be earned if the building meets the criteria and findings set forth above and is not visible from a TRPA-designated scenic highway corridor pursuant to Chapter 67.

D. Additional Building Height for Certain Recreation Buildings Within Adopted Ski Area Master Plans

The maximum building heights specified in Table 37.4.1-1 may be increased if the buildings are identified in an adopted ski area master plan, are not visible from Lake Tahoe, are not located within or visible from designated scenic highway corridors and designated bikeways and recreation sites identified in the Lake Tahoe Scenic Resource Evaluation, and provided TRPA makes findings 1, 3, 4, 7, and 8 in Section 37.7. Additional height shall be calculated as follows:

1. The maximum height in Table 37.4.1-1 may be increased by up to 14 feet, but not to exceed a total building height of 56 feet, provided that the project proponent demonstrates that expected snow depths in the area of the building site make the additional height necessary for the function of the building. The amount of additional height shall not exceed the ten-year average snow depth as reported by the National

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37.5.3 Additional Building Height for Tourist Accommodation Buildings Within Community Plan Areas

Resource Conservation Service (NRCS) for that area or as reported by the applicant using a similar method as the NRCS; and

2. An additional ten feet, not to exceed a total building height of 56 feet, may be earned if the project proponent demonstrates additional height is needed to maintain roof pitch in excess of 4:12.

E. Additional Building Height for Public Service Buildings

The maximum building heights specified in Table 37.4.1-1 may be increased if the buildings are classified as "Schools" or "Regional Public Health and Safety Facilities – Solid Waste Transfer Stations" that TRPA finds to be regionally serving, pursuant to Chapter 21: *Permissible Uses*, and the buildings are not visible from Lake Tahoe and are not located within or are not visible from designated scenic highway corridors and designated Class I or II bikeways and recreations sites identified in the Lake Tahoe Scenic Resource Evaluation, and provided TRPA makes findings 1, 3, 4, 7, 8, and 10 in Section 37.7. Additional height shall be calculated as follows:

1. The maximum height in Table 37.4.1-1 may be increased by up to 14 feet, but not to exceed a total building height of 56 feet, provided that the project proponent demonstrates that the additional height is necessary for the proper function of the building; and
2. Additional height beyond that set forth in 1 above may be earned up to a maximum total building height of 56 feet, provided that the new structure incorporates community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with the Design Review Guidelines.

F. Additional Building Height for Essential Public Safety Buildings

The maximum building heights specified in Table 37.4.1-1 may be increased by up to 14 feet if the building meets the definition of "Public Safety Facility, Essential" in Ch. 90: *Definitions*, is not covered by subparagraph 37.5.2.E above, and provided TRPA makes findings 3, 4, and 7 in Section 37.7.

37.5.3. Additional Building Height for Tourist Accommodation Buildings Within Community Plan Areas

In addition to the provisions set forth in subsection 37.5.2, TRPA may approve building heights greater than those set forth in Section 37.4 for buildings whose primary use is tourist accommodation and that are located within an approved community plan as set forth in Chapter 12: *Community Plans*. The maximum heights specified in Table 37.4.1-1 may be increased up to a maximum height of 48 feet in accordance with the following provisions, if TRPA makes findings 1, 2, 3, and 6 in Section 37.7.

A. Additional Building Height for View Corridor

For each 100-foot wide view corridor, or increment thereof in excess of 100 feet, provided, TRPA may approve up to nine additional feet in building height, up to a total of 12 feet in height greater than the maximum set forth in Table 37.4.1-1.

B. Additional Building Height for Increased Setback

For each 100 feet, or increment thereof in excess of 100 feet, of permanent setback from the high water line of Lake Tahoe provided as part of a project in

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37.5.4 Additional Building Height for Special Height Districts

addition to the otherwise required setback, TRPA may approve up to nine additional feet in building height, up to a total of 12 feet in height greater than the maximum set forth in Table 37.4.1-1.

C. Additional Building Height for Public Access

For each 50 foot wide by 200 foot long area, or increment thereof in excess of 50 feet by 200 feet, of public access provided along the shoreline of Lake Tahoe as part of a tourist accommodation project, TRPA may approve up to nine additional feet in building height, up to a total of 12 feet in height greater than the maximum set forth in Table 37.4.1-1.

37.5.4. Additional Building Height for Special Height Districts

TRPA may designate special height districts as specified below. These special height districts shall be limited to areas that are within both a TRPA-adopted redevelopment plan and a TRPA-adopted community plan. The boundaries of the special height districts and special standards for the district shall be included in the applicable redevelopment plan.

A. Specification of Special Height Districts

Special height districts may be specified in adopted redevelopment plans if TRPA makes finding 11 of Section 37.7.

B. Findings for Establishing Maximum Allowable Building Heights Within Special Height Districts

1. In order to establish maximum allowable building heights within special height districts, TRPA shall make finding 12 of Section 37.7.
2. Prior to approving additional building height for a project within a special height district TRPA shall make findings 1, 3, 5, 6, and 9 of Section 37.7.

C. Limitations on Building Height Within the South Lake Tahoe Redevelopment Demonstration Plan Special Height District

In addition to the standards and limitations established in subparagraphs A and B above, the following additional limitations shall apply to the Special Height District as set forth in Section 1.11 of the South Lake Tahoe Redevelopment Plan Area Development Standards:

1. Projects approved as part of the South Tahoe Redevelopment Demonstration Project No. 1 shall be subject to Chapter 13: *Redevelopment Plans* and shall not be eligible for additional building height under the provisions of this subsection;
2. Maximum building heights for buildings that are eligible to gain the additional height are established in Figure 1.1 of the South Lake Tahoe Redevelopment Demonstration Plan Redevelopment Plan Area Development Standards. Additional height for buildings located adjacent to U.S. 50 shall not be used for a total linear distance of more than 500 feet from the adjacent side of the street; and
3. The additional building height shall be limited to buildings in which the primary use is tourist accommodation, transit stations and terminals, or

vehicle storage and parking. These buildings may also contain primary commercial uses provided that commercial uses other than vehicle parking and storage will not occupy more than 50 percent of the building's commercial floor area. Vehicle storage and parking structures that use additional building height and that are located on the Lake Tahoe side of U.S. 50 shall be set back a minimum of 100 feet from the edge of the U.S. 50 right of way and shall not provide vehicle access directly off of U.S. 50.

D. Qualification for Additional Building Height

Eligible buildings in special height districts may earn additional height greater than that permitted in Table 37.4.1-1 pursuant to the criteria listed below. The additional heights permissible below are additive within the limitations of this subsection. Additional building height that is earned under this subsection may be applied to eligible uses throughout the project area. The additional height may be permissible if TRPA makes findings 1, 3, 5, 6, and 9 of Section 37.7.

1. Additional Building Height with Required Findings

The maximum building heights specified in Table 37.4.1-1 may be increased by up to four feet, but not to exceed a maximum height of 38 feet, if TRPA makes the additional finding 7 in Section 37.7.

2. Additional Building Height for Reduced Land Coverage

The maximum building heights specified in Table 37.4.1-1 may be increased for reductions in the amount of land coverage otherwise permitted within a project area pursuant to Chapter 30. The maximum heights shall be increased by one foot for each onsite reduction in land coverage equal to five percent of the base allowable coverage, or existing land coverage, whichever is greater, up to eight additional feet, but not to exceed a maximum height of 46 feet.

3. Additional Building Height for View Enhancement

According to a method specified by TRPA to evaluate view enhancements, the maximum heights specified in Table 37.3.1-1 may be increased three additional feet for each view enhancement provided, up to a maximum increase of nine additional feet, provided TRPA makes finding 13 of Section 37.7.

4. Additional Building Height for Increased Setback

The maximum building heights specified in Table 37.4.1-1 may be increased a maximum of ten additional feet when an area of open setback (minimum 50-foot depth, 200-foot length) is provided for the portion of the building receiving the additional height, in excess of the legally required setback from the edge of the right-of-way of a major arterial.

5. Additional Building Height for Landscaped Public Pedestrian Area

The maximum heights specified in Table 37.4.1-1 may be increased for provision of landscaped public pedestrian areas, including all required amenities established in the applicable community plan, as follows:

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37.5.4 Additional Building Height for Special Height Districts

a. Special Height District on Mountain Side of U.S. 50

An additional increase in maximum heights specified in Table 37.4.1-1, not to exceed a maximum of 15 additional feet, may be permitted as follows:

- (i) A maximum of ten additional feet for provision of a landscaped public pedestrian area (minimum 30-foot width, 1,800-foot length) along or through the special height district located on the mountain side of U.S. 50; and
- (ii) A maximum of five additional feet may be permitted at the rate of one foot of additional height for each additional unit of landscaped public pedestrian area provided (unit minimum 30-foot width, 180-foot length).

b. Special Height District on Lake Tahoe Side of U.S. 50

An additional increase in maximum heights specified in Table 37.4.1-1, not to exceed a maximum of 15 additional feet, may be permitted as follows:

- (i) A maximum of ten additional feet for provision of a landscaped public pedestrian area (minimum 10-foot width, 1,200-foot length) along U.S. 50 in or adjacent to the special height district located on the Lake Tahoe side of U.S. 50; and
- (ii) A maximum of five additional feet may be permitted at the rate of one foot of additional height for each additional unit of landscaped public pedestrian area provided (unit minimum 10-foot width, 120-foot length).

c. Public Plaza or Outdoor Space

An additional increase in maximum heights specified in Table 37.4.1-1, not to exceed a maximum of five additional feet, for each 10,000 square feet of public plaza or outdoor space provided in the project area within which the additional building height is used may be permitted.

6. Additional Building Height for Public Access to Lake Tahoe

Additional building height for public access to Lake Tahoe may be permitted as follows:

- a. The maximum building heights specified in Table 37.4.1-1, may be increased a maximum of ten additional feet for each one acre of public beach provided as follows.
 - (i) The beach shall contain at least 200 feet of continuous lake frontage on Lake Tahoe and shall be located within one half mile from the height district.
 - (ii) The beach shall be open to the public and contain restrooms, picnic tables, and other amenities. TRPA shall ensure, through deed restrictions, conveyance to a public agency, or other appropriate means, that the beach remains open to the public.

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37.5 Additional Height for Certain Buildings

37.5.5 Additional Building Height for Affordable Housing Projects

b. The maximum building heights specified in Table 37.4.1-1 may be increased a maximum of four additional feet for providing a lake access trail described in a community plan.

7. Additional Building Height for Tree Preservation

The maximum building heights specified in Table 37.4.1-1 may be increased a maximum of ten additional feet for the preservation and protection of 30 existing trees or 90 percent of the existing trees, whichever is greater, within the project area. To qualify, the trees to be preserved shall be 12 inches diameter at breast height (dbh) or greater, and shall be found by TRPA to provide screening benefits to the building or buildings using the additional height.

E. Security for Improvements

Projects that utilize any of the additional building height provisions provided in Section 37.5 shall ensure the public benefit(s) for which the additional height was earned is implemented consistent with the provisions below.

1. Project Approval

TRPA shall require, as a condition of approval of any project that relies on the use of an additional building height provision provided in Section 37.5, that all necessary permits for development of the associated public benefit shall be issued prior to commencement of construction of the project utilizing the additional height.

2. Project Funding

Prior to the commencement of construction of any project that relies on the use of an additional building height provision provided in Section 37.5, the project applicant shall demonstrate, and TRPA shall find, for each project that irrevocable commitments to fund the public benefit for which the additional height was earned have been obtained or secured.

3. Project Completion

For each irrevocable commitment, the project applicant shall demonstrate, and TRPA shall find, sufficient evidence of intent and ability to complete development of the public benefit for which the additional height was earned.

37.5.5. Additional Building Height for Affordable Housing Projects

The maximum height specified in Table 37.4.1-1 may be increased for affordable housing projects located in special areas designated for affordable housing within the Kings Beach Commercial Community Plan. The maximum height in Table 37.4.1-1 may be increased by up to 15 feet, but not to exceed a total building height of 48 feet, provided that the project incorporates community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors consistent with the Design Review Guidelines, and TRPA makes finding 14 of Section 37.7.

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37.5.6 Building Height for Redevelopment Projects Within the City of South Lake Tahoe

37.5.6. Building Height for Redevelopment Projects Within the City of South Lake Tahoe

Additional building height for redevelopment projects within the City of South Lake Tahoe is set forth in Chapter 13: *Redevelopment Plans*.

37.5.7. Additional Height for Special Projects within the North Stateline Community Plan

A. General Requirements

1. TRPA may designate additional height for special projects that are located within the TRPA approved North Stateline Community Plan, and are designated through Resolution 2008-11 to be Special Projects pursuant to subparagraph 50.6.4.D as specified below.
2. The maximum height shall be 75 feet or three-fourths of the maximum height of the tallest trees within the project area, whichever is lower. TRPA shall determine the height of the tallest trees within the project area based on a tree survey provided by the applicant.
3. The area proposed for additional height shall be located on the mountain side of State Route 28 within the North Stateline Community Plan boundary. Additional height available under this Code subsection shall not be available on lake side of SR 28.
4. Additional height may be specified within the North Stateline Community Plan subject to Finding 15 in subsection 37.7.15.

A. Security for Improvements

The project shall ensure the public benefit(s) set forth in subparagraphs 37.7.15.F, G, and H are implemented consistent with the following provisions:

1. Project Approval

TRPA shall require, as a condition of approval, of any project that relies on the use of an additional height provision provided in this subsection 37.5.7 that all necessary permits for development of the public benefits set forth in subparagraphs 37.7.15.F, G, and H be issued prior to commencement of construction of the project utilizing the additional height.

2. Project Funding

Prior to the commencement of construction of any project that relies on the use of an additional height provision provided in this subsection 37.5.7, the project applicant shall demonstrate, and TRPA shall find, for each project, that irrevocable commitments to fund the public benefit set forth in subparagraphs 37.7.15.F, G, and H have been obtained or secured.

3. Project Completion

For each irrevocable commitment, the project applicant shall demonstrate, and TRPA shall find, sufficient evidence of intent and ability to complete development of the public benefit set forth in subparagraphs 37.7.15.F, G, and H.