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Title: Supervisor Santiago recommending the Board waive the \$20 per square foot fee for the required 500 square feet of matching commercial floor area for Bob Dogs Pizza in Meyers.

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Attachments: 1. Letter to P. Maurer att'd 7-30-08.pdf

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Supervisor Santiago recommending the Board waive the \$20 per square foot fee for the required 500 square feet of matching commercial floor area for Bob Dogs Pizza in Meyers.

Background: The Meyers Community Plan, adopted by both the County and the Tahoe Regional Planning Agency (TRPA), contains a formula for the allocation of commercial floor area (CFA) to new and expanded commercial projects. This permits the County to allocate up to 2000 square feet for any individual project, with a requirement that the applicant provide a match of CFA that is acquired from other sources. This includes purchasing CFA from a pool monitored by the County or purchased on the open market.

On August 5, 2008 the Board of Supervisors approved an allocation of CFA to Bryan Schwartz and Rebecca Schwartz-Leuch, owners of Bob Dogs Pizza, in order that they could construct a new, 2700 square-foot restaurant. The County allocated 2000 square feet from the CFA granted to the County by TRPA, and granted the use of an additional 500 square feet from the pool of CFA that can be used as the "match" requirement. The remaining 200 square feet was to be purchased from other sources available in the Basin.

The provisions for the matching commercial floor area are set forth in Appendix C of the Meyers Community Plan (MCP), as amended June 16, 1998. The plan reads:

As an option to providing the match required herein, the applicant receiving the allocation may pay a fee of \$20.00 per square foot of required match. The funds received from this fee shall be allocated to Meyers Capital Improvement Projects.

The purchase of 500 square feet of the required match was condition 3 of the action taken by the Board when approving the allocation in 2008. The condition reads as follows:

The allocation recipient shall pay a fee of \$20 per square foot to required "match" at the time of

building permit issuance for up to 500 square feet of the proposed floor area. The allocation recipient shall provide documentation showing acquisition of the additional 200 square feet of “match” required for the 2700 square foot project from other available sources. Should the County and TRPA amend the provisions of the Meyers Community Plan prior to issuance of the building permit so that no match is required, this condition shall be null and void.

The match requirement, and the associated fee, was to ensure that the allocation of CFA was competitive. It was intended to encourage development in the Yanks Station and West Meyers areas while removing coverage in sensitive areas. However, the opposite has been the result. Very little development has occurred in the Meyers area, with the match requirement serving more as an impediment to development.

TRPA has been working on an update to the Regional Plan, and while commodities such as CFA will still be a part of the program, the Agency is attempting to develop an entirely different approach to development within the Basin. TRPA is developing incentives to encourage development in appropriate areas, using that development to enhance water quality projects that will lead to better lake clarity. The County is working on revisions to the Meyers Community Plan with TRPA staff, a consultant team, and citizens of Meyers to update the plan to be consistent with these overall program goals. While neither has been adopted yet, the Regional Plan Update is scheduled for adoption in December, and the MCP is likely to be adopted in 2013. Provisions of both these plans consider eliminating the match requirement.

The \$10,000 match requirement puts the project in jeopardy financially. In these economic times, development of a new business in Meyers is probably more important than funds that might be used for some future CIP. This is consistent with the County’s goals in its targeted General Plan amendment, of enhancing economic development. TRPA staff indicated that the fee is not a requirement of that agency, but is purely a County concern. For these reasons, Planning staff and Supervisor Santiago recommend that the Board waive the fee requirement for allocating 500 square feet of matching commercial floor.