



Legislation Details (With Text)

File #: 23-1175 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 6/8/2023 **In control:** Board of Supervisors

On agenda: 6/27/2023 **Final action:** 6/27/2023

Title: Department of Transportation, recommending the Board approve the following:
 1) Waive the deadline in Article 13.b, of the Purchase and Sale Agreement for APN 033-542-10; and
 2) Delegate signature authority to the Department of Transportation Director, or designee, to sign the Tahoe Regional Planning Agency's transfer application to transfer the Potential Residential Unit of Use currently banked on County-owned parcel 033-542-010, when submitted by the owner.

FUNDING: N/A

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Purchase Agreement signed 033-542-010, 2. B - TRPA Acknowledgement of Banked Rights 033-542-010_2004

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|----------|--------|
| 6/27/2023 | 1 | Board of Supervisors | Approved | Pass |

Department of Transportation, recommending the Board approve the following:
 1) Waive the deadline in Article 13.b, of the Purchase and Sale Agreement for APN 033-542-10; and
 2) Delegate signature authority to the Department of Transportation Director, or designee, to sign the Tahoe Regional Planning Agency's transfer application to transfer the Potential Residential Unit of Use currently banked on County-owned parcel 033-542-010, when submitted by the owner.

FUNDING: N/A

DISCUSSION / BACKGROUND

The Department of Transportation (Transportation) purchased APN 033-542-010 in 2004 with two types of development rights remaining with the Seller, Fred Barry Cohen; land coverage and Potential Residential Unit of Use (PRUU), previously referred to as Residential Development Right (RDR) in 2004. The Land Coverage was transferred off the county-owned parcel in 2006, leaving only the PRUU. The PRUU was to be transferred no later than July 1, 2009 (Article 13.b, Purchase and Sale Agreement). Transportation records confirm Mr. Cohen sold the parcel to the County provided he retained the development rights/PRUU and that the agreement's deadline to transfer was for the purpose of expediency because it would be more likely that staff familiar with the arrangement would be available to help complete the transfer.

Given that the date was selected as a vehicle to expedite the future transfer of the remaining development right/PRUU and that the prior purchase and sale agreement was for the land only, staff believes it would be equitable and consistent with the agreement to remove the deadline of July 1, 2009, thereby allowing the transfer to be initiated.

Staff is also recommending the Board authorize the Director of Transportation to sign the TRPA

application to transfer the PRUU off the county-owned parcel to simplify and expedite the process.

ALTERNATIVES

The Board could choose not to waive the deadline in the Purchase and Sale Agreement, and not allow the Transportation Director the authority to sign the TRPA transfer application; however, this would not allow the owner of the banked PRUU rights the ability to transfer the PRUU.

PRIOR BOARD ACTION

12/05/2006 - Legistar 06-1897

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Tahoe Planning.

CAO RECOMMENDATION / COMMENTS

Approve staff recommendation.

FINANCIAL IMPACT

There is no change to Net County Cost associated with this item.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

Rafael Martinez, Director
Department of Transportation