



Legislation Text

File #: 07-1105, **Version:** 1

Development Services Department, Planning Services Division, recommending the Board authorize the request of Ken Curtzwiler for an allocation of 563 square feet of Commercial Floor Area (CFA) Allocation (Meyers Community Plan) for new development on a vacant 0.19 acre parcel (APN 034-322-01) in the West Meyers Land Use District, noting development in this district is defined as being within Priority Area #1, which allows for a 75% allocation and a 25% match; using the allocation ratio of 3 to 1, the applicant has elected to transfer to the project site the 188 square feet of CFA for the match.

Planning staff recommends the Board of Supervisors authorize the commercial floor area (CFA) allocation request, subject to the following conditions:

1. The applicant must receive County approval for a design review application, as required by Sections 17.58.190(B) and 17.74.045 of the Zoning Ordinance, within one year of the approval of the CFA allocation by the Board of Supervisors. The applicant must receive approval of the allocation by the Tahoe Regional Planning Agency (TRPA), within one year of the approval of the CFA allocation by the Board of Supervisors. If either of these deadlines is not met, the allocation expires and returns to the Priority Pool from which it was granted.
2. The Board of Supervisors may grant an allocation time extension. In granting such an extension, the Board will consider the availability of unallocated CFA and pending allocation requests. Once the allocation is approved by the TRPA, TRPA policy will apply regarding extension of the allocation.

Background: History of Meyers Community Plan CFA Allocations

Commercial projects in the Meyers Community Plan area may only increase CFA in accordance with the procedures identified in Appendix C of the Community Plan, which requires an allocation of CFA from the County. In addition to the County allocation of CFA, the project applicant must transfer or otherwise bring to the project a certain amount of the project's total CFA. The transfer of CFA is called the "match" to the allocation.

Originally, the Plan required the match to be CFA transferred from another site. Based on the June 16, 1998, amendment to the Meyers Community Plan, applicants can provide the match by paying a fee of \$20.00 per square foot, which is limited to match percentages identified below by priority area. The funds received from this fee are allocated to Meyers Capital Improvement Projects. Any additional CFA needed for a project, must be transferred to the project site.

Priorities have been established that encourage development primarily in the Yank's Station and West Meyers land use districts (Exhibit A). The Plan designates the Yank's Station and the West Meyers districts as Priority Area #1 for commercial development. Within the remaining land use districts, the expansion of existing development is assigned to Priority Area #2, and new development is assigned to Priority Area #3. Each priority area contains a separate transfer ratio, which is

required to use the allocation. No more than 2,000 square feet may be allocated to any parcel of 6,000 square feet or greater. Matching ratios have been established for each priority area as follows:

Priority Area #1	75% allocation, 25% project match (3 to 1)
Priority Area #2	50% allocation, 50% project match (1 to 1)
Priority Area #3	25% allocation, 75% project match (1 to 3)

The Meyers Community Plan area was originally allocated 15,400 square feet of CFA by TRPA. In 1997, the Regional Plan was amended, allocating an additional 10,000 square feet of CFA to the Meyers Community Plan. As part of the June 16, 1998, amendment to the Meyers Community Plan, the total amount of CFA allocated to Priority Area #1 was 15,000 square feet, Priority Area #2 had a total allocation of 4,000 square feet, and Priority Area #3 had a total allocation of 6,400 square feet. Since the 1998 Amendment, TRPA has allocated to the County an additional 2,000 square feet of CFA in 1999, and 15,000 square feet of CFA in March of 2007. The additional allocation of 17,000 square feet has not been distributed by the County to the three priority area allocation pools. Until this action is taken by the County, the total amount of allocated CFA and remaining CFA will be undetermined for each of the three priority areas. Meanwhile, an abundance of CFA is currently available for commercial development within the Meyers Community Plan.

As referenced in the June 16, 1998, amendment to the Meyers Community Plan, using the allocation ratios and assuming all CFA is built by providing a match or payment of fees, a maximum of approximately 53,600 square feet of new CFA may be developed as follows:

Priority Area #1	20,000 square feet
Priority Area #2	8,000 square feet
Priority Area #3	25,600 square feet

To date, the Board of Supervisors has approved allocations in Priority Area #1 for a total of 15,620 square feet of CFA, of which, only 8,250 square feet has been used. The approved CFA allocations that were not used, were returned to the Priority Area #1 allocation pool (Exhibit B).

The Board of Supervisors approved two allocations in Priority Area #2 for a total of 1,258 square feet of CFA. Neither of the allocations was used, and the allocations were returned to the Priority Area #2 allocation pool. To date, the Board of Supervisors has approved no allocations in Priority Area #3.

Project History

The applicant has applied for a special use permit and design review application for a mixed use multi-family and commercial project. The first floor consists of two office units with 751 square feet of total commercial floor area, and a residential garage area of 816 square feet. The second floor consists of two attached residential units with a total of 1,094 square feet of residential floor area. The project is scheduled for the June 28, 2007, Planning Commission meeting.

At the time of preparation of this report, the applicant had received a conditional permit approval from TRPA for the project. The applicant has been working to satisfy these conditions for TRPA acknowledgement of the permit, which includes a TRPA Development Right Transfer permit to transfer the CFA match (188 square feet) to the project site.

Action to be taken following Board approval: Planning Services will assist the applicant with the processing of the design review and special use permit applications.

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ATTACHMENTS

Attachment 1.....Letter From Mike Dill, dated April 4, 2007 (Ken Curtzwiler's Agent)
Exhibit A.....Meyers Community Plan Land Use District Location Map
Exhibit B.....Priority Area #1 CFA Allocations