

Appendix C

COMMERCIAL FLOOR AREA ALLOCATION PROCEDURES

A. INTRODUCTION

The Meyers Community Plan contains specific procedures by which additional commercial floor area will be allocated. Chapter 2, Land Use, contains economic development policies which state:

Policy: Projects seeking allocations of additional commercial floor area within the plan area shall be subject to the plan's Commercial Floor Area Allocation Procedures. TRPA and El Dorado County shall only consider applications for those projects utilizing allocated floor space, when they have received a recommended floor space allocation from the Board of Supervisors or their designee.

Policy: Allocation procedure B.1 (Location Within Priority Land Use Districts) established by the Commercial Floor Area Allocation Procedures shall not be revised or amended for at least two years from the date of plan adoption.

The allocation procedures listed below identify how to acquire and use the additional 15,400 square feet of commercial floor area allocated to the community plan area. The allocation is derived from two sources: 10,000 square feet from the initial allocation; and 5,400 square feet of bonus commercial floor area. The allocations are intended to support additional development through 1996. At that time, the community plan will be reviewed and, based on amendments to the Regional Plan, may provide additional allocations of commercial floor area. In 1997 the Regional Plan was amended allocating an additional 10,000 square feet of commercial floor area to El Dorado County, bringing the total to 25,400 square feet. [§]

B. ALLOCATION PROCEDURES

The allocation procedures provide opportunities for all lands within the community plan area on which commercial uses are permitted to compete for an allocation of additional commercial floor area. To receive an allocation, project applicants must satisfy all of the following criteria.

1. Location Within Priority Land Use Districts. The community plan designates the Yank's Station and the West Meyers land use district as the priority areas (nodes) for additional commercial development. This includes additions to existing commercial uses as well as new development. The districts have relative advantages for increased development over the remainder of the plan area. Advantages include, but are not limited to, containing the majority of existing commercial uses, preferred locations for new retail commercial uses, containing additional area to expand and the ability to cluster development

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thereby reducing vehicle trips. Refer to the Land Use Districts map in Chapter 2 for the exact boundaries of each district.

Establishing priorities clearly states the plan's intentions as to which geographic areas are most important for implementing the plan. Each priority contains a separate transfer ration required to use the allocation. Any of the priorities may be used at any time. In other words, it is not necessary to first build out all the commercial square footage provided under Priority #1 before moving on to Priority #2. The following priorities are established to guide the distribution of the additional floor area: §

Priority #1. Existing development or new development located within either Yank's Station or West Meyers land use districts. 15,000 square feet allocated. Match allocation using transfer ration shown below. §

Priority #2. Existing development located outside of the Yank's Station and West Meyers land use districts. 4,000 square feet allocated. Match allocation using transfer ratio shown below.

Priority #3. New Development located outside of the Yank's Station and West Meyers land use districts. 6,400 square feet allocated. Match allocation using transfer ration shown below. §

The Board of Supervisors, upon recommendation of the Planning Commission may modify the priorities and their related allocation without amendment to the Meyers Community Plan, provided the Board of Supervisors find that the allocations to the existing priorities are not adequately serving the needs and the policies of the Community Plan. §

New development is development which occurs on a vacant parcel. A vacant parcel as defined by TRPA is undeveloped or unimproved and has no established use. Existing development is development which is legally present or approved on the effective date of the community plan. Chapter 33 of TRPA's Code of Ordinances permits, under certain conditions, the expansion of legally existing commercial floor area by 5% or 500 square feet, whichever is less, without first receiving an allocation of new commercial floor area. The 5%/500 expansion may not be applied for or built in conjunction with any other addition or expansion. All commercial uses which can qualify for this expansion are encouraged to use it. Refer to TRPA Code Section 33.3 for the exact specifications for use.

In the event the additional commercial floor are previously allocated to El Dorado County outside of community plan areas is reallocated to the Meyers Community Plan (approximately 4,500 square feet), the allocation to each of the three priorities would be increased by the Board of Supervisors based on recommendation of the Planning Commission and their findings on how such allocations supports the Meyers Community Plan. §

2. Matching Commercial Floor Area. Allocation priorities identified above require

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each project applicant to transfer or otherwise bring to the project a certain amount of the project's total commercial square footage. It is possible to bring in more than the minimum required match, however, the maximum allocation of additional commercial floor area will not increase. The following matching ratios are established for each allocation priority:

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

For the purpose of transferring matching floor area for a project, existing development (Priorities #1 and #2), may use legally created existing or banked commercial floor area which is on the parcel (or banked therefrom) as source of match. New development on a vacant parcel(s) must transfer matching floor area including banked floor area, from outside either the Yank's Station or West Meyers districts.

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 collected by TRPA and shall be dispersed to El Dorado County in a manner similar to the County's existing air and water quality mitigation fund programs. Use of these funds shall be reserved for Capital Improvement Projects within the Meyers Community Plan.[§]

Using the allocation ratios and assuming all commercial floor area is built, a maximum of approximately 26,933 square feet of new commercial floor area may be developed as follows: 13,333 square feet in Priority #1 areas, 8,000 square feet in Priority #2 areas, and 5,600 square feet in Priority #3 areas.

The Ultimate amount developed may be somewhat less than this depending upon the source and location of the matching floor area.

3. Maximum Allocation Per Project. To make the allocation of additional commercial floor area available to as many projects as possible, a maximum of 2,000 square feet of additional commercial floor are will be allocated to any legally created parcel which is 6,000 square feet or larger as of July 1, 1987. Parcels which are smaller than 6,000 square feet as of July 1, 1987, may be eligible for an allocation which is proportional to the parcel size using the formula shown below.

$$\frac{\text{Parcel Size (s.f.)}}{6,000 \text{ s.f.}} = \frac{\text{Allocation of Floor Area (s.f.)}}{2,000 \text{ s.f.}}$$

4. Consistency with the Community Design Plan. Any project for which

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additional commercial floor area is sought must fully implement the minimum community design elements identified in the Community Plan Design Review Guidelines (Appendix A, Section A). [§]The Planning Commission may, during the review of a proposed project, determine that additional design guidelines from either the Community Plan Design Guidelines or the TRPA Design Review Guidelines should be applied as conditions of project approval. El Dorado County will specify application, submittal and review procedures.

5. Timing and Distribution of Additional Commercial Floor Area Allocation. It is the intent of the plan that allocation of all of the additional commercial floor area be made within ninety days of community plan adoption. This will be done using a one time, filing deadline procedure. El Dorado County shall specify the application procedures, including the carry over of unused allocation and adjustments to matching ratios consistent with provisions of the Community Plan.

Contingency: In the case where applications are received requesting more commercial floor area than is available to allocate, [§]the Board of Supervisors or their designee with the assistance of TRPA staff, shall conduct a design competition. The competition shall be used to determine which project(s) best meet the needs of Meyers in terms of land use, physical design and other community improvements. El Dorado County shall establish the competition procedures.

C. IMPLEMENTATION

Project applications proposing to use additional commercial floor area allocated under the community plan will be reviewed by [§]the Planning Commission or Planning Department, as applicable, to determine consistency with the community plan in terms of its goals, objectives, policies and Community Design elements. They will forward their recommendations to El Dorado County and TRPA. Once received, TRPA staff will process the applications.

TRPA's Code of Ordinances establishes procedures for administering the additional floor area within a community plan. The allocation runs with the project meaning it may not be sold, conveyed or otherwise transferred to another project. Subsection 33.3.D is reprinted below as an aid to the reader.

- 33.3.D. Administration of Allocations For Additional Commercial Floor Area: For purposes of Subsection 33.3.C and for purposes of determining a rate of allocation in a community plan, the date of issuance by TRPA to a project of an allocation for additional commercial floor area establishes the year which the allocation is attributed.
 - (1) Allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation is the date the project is approved by TRPA. The allocation shall be set forth in the approval of the project.

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- (2) An allocation for additional commercial floor area shall not be transferred to, or otherwise used for, a project other than that for which it was approved. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit, and the square footage of commercial floor area represented by the allocation shall automatically return to the pool from which it originated.
- (3) TRPA shall monitor the issuance, use and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public, through the Governing Board, as to the status of the allocation of commercial floor area.

These procedures may be amended from time to time as necessary to implement the community plan.

