

PLANNING COMMISSION STAFF REPORT
Meeting Date: February 21, 2023

To: Town of Truckee Planning Commission

From: Yumie Dahn, Senior Planner

RE: Application No. 2023-00000006/TUP (2023 Gray's Crossing PJ's Events Temporary Use Permit); Owner/Applicant: Hayes Parzybok, Tahoe Club Company (11410 Henness Road; APNs 043-010-008 and 043-010-003)

Approved by: Denyelle Nishimori, Community Development Director

Recommended Action: That the Planning Commission adopt Resolution No. 2023-02, taking the following action:

- 1) Determining the project categorically exempt from CEQA per Section 15304(e); and
- 2) Approving the Temporary Use Permit based on the recommended findings and subject to the recommended conditions of approval.

Project Summary: The applicants are requesting Temporary Use Permit approval to hold 24 events (four community concerts and 20 weddings) with amplified music at the PJ's Restaurant and adjacent outdoor dining/lawn area at Gray's Crossing from June to October in 2023.

Planning Commission's Role: A Temporary Use Permit is intended to allow short-term commercial activities that may not meet the normal development or use standards of the zoning district, but may otherwise be acceptable because of their temporary nature with adequate conditions proposed. The Planning Commission's role is to determine if the proposed events are appropriate and do not result in detrimental impacts to the neighborhood in which they are located. The Planning Commission has broad authority to approve, deny, or condition this Temporary Use Permit, based on the findings. Staff believes the main topics for consideration is the noise generated by the events and consideration of future Temporary Use Permits at this location.

Location/Setting: The project site is located at the PJ's restaurant, outdoor dining area, and the adjacent lawn area at 11410 Henness Road (APNs 043-010-008 and 043-010-003) in the Gray's Crossing subdivision, east of the Prosser Dam Road/Henness Road roundabout. Adjacent uses include the Gray's Crossing golf course, fitness center, and single-family residential homes. See Figure 1 for the Vicinity Map.

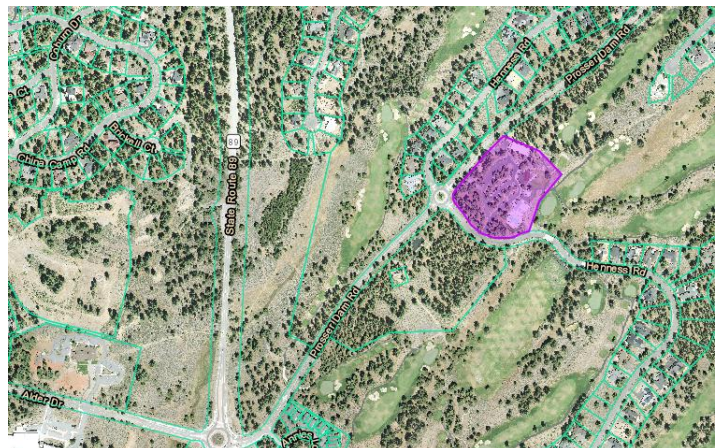


Figure 1: Vicinity Map

Project Site Information:

General Plan Designation: Gray's Crossing Specific Plan Area
Specific Plan District: Recreation District
Zoning District: REC (Recreation)
Project Site Size: 6.65 acres (APN 043-010-008) + 345 s.f. lawn area on APN 043-010-003

Discussion/Analysis:***Background (2020 to present)***

For a history of the project from the original construction of PJ's Restaurant in 2006 to the 2019 Planning Commission reviews of the initial Temporary Use Permit, please see Attachment #5. The following provides background information since the 2019 review.

2020 – COVID-impacted season

In June 2020, the applicants applied for a renewal to the Temporary Use Permit which was first approved in 2019. The Temporary Use Permit (Application #2020-00000062/TUP) for 12 concerts and 20 weddings was approved in the same month. However, due to COVID-19 health protocols, no community concerts or private events were held.

April 20, 2021 Planning Commission review

In 2021, the applicants applied for a renewal to the Temporary Use Permit (Application 2021-0000027/TUP), which included 13 concert events and up to 20 other private events/weddings with amplified music from June to October 2021. The weddings were typically from 4:00 PM to 10:00 PM with estimated guest counts for weddings ranging from 100 to 200 guests. Wedding events were approved to use outdoor event tents. The concert series was proposed every Tuesday from June 15, 2021 to September 7, 2021. Performances were proposed from 5:00 PM to 8:00 PM, with amplified music ending at 8:00 PM. The concert series were free to the community with food and beverages available for purchase at PJ's. Guests for concert events fluctuate depending on community participation.

All events were approved to be located on the lawn area to the southeast of PJ's and within the PJ's restaurant. All food and beverage service for all events were provided by PJ's.

The applicants were approved to use the 87 existing Gray's Crossing golf course and PJ's Restaurant parking spaces that are provided for the Gray's Crossing golf course. Overflow parking was approved to occur on one side of Prosser Dam Road and Henness Road. Additional parking was also approved above the existing parking lot (between Prosser Dam Road and the existing parking) to create 27 permanent parking spaces in 2021.

The applicants submitted a grading permit application (Grading Permit 2021-0000355) for 27 parking spaces on the upper tier between the existing parking area and Prosser Dam Road on April 12, 2021, with corrections provided by the Town on May 24, 2021. The applicants also stated that they are working on converting Old Greenwood House into an event facility, but noted that construction timelines can be difficult to define.

At the April 20, 2021 Planning Commission meeting, the Planning Commission approved the 2021 Temporary Use Permit including requirements to continue implementation of the noise analysis completed on June 5, 2019, including orientation of speakers, decibel levels, monitoring requirements, etc.; requirement for traffic and safety monitoring; and shuttle requirements for wedding greater than 175 guests; and a requirement to either complete the new parking lot area or revegetate and install rock barriers to prohibit access to the parking area (without the paved parking area, events were limited to 200 guests). Additionally, the Planning Commission supported staff-level review for a future Temporary Use Permit for the 2022 season unless verifiable and substantial complaints are filed, with renewals

beyond 2022 to be reviewed by the Planning Commission. The expectation at the time of the 2021 Planning Commission review was that this would be the last season; however a buffer season for 2022 was provided.

The following are links to the staff report, resolution, meeting minutes, and public comment:

April 20, 2021 Staff Report:

<https://portal.laserfiche.com/Portal/DocView.aspx?id=59524911&repo=r-6a91ddbc>

Planning Commission Resolution 2021-05:

<https://portal.laserfiche.com/Portal/DocView.aspx?id=59577903&repo=r-6a91ddbc>

April 20, 2021 Meeting Minutes:

<https://portal.laserfiche.com/Portal/DocView.aspx?id=59549529&repo=r-6a91ddbc>

Public Comment:

<https://portal.laserfiche.com/Portal/Browse.aspx?id=59524869&repo=r-6a91ddbc>

The applicants submitted the Temporary Use Permit renewal for 2022 on September 16, 2021, which included 13 Tuesday concert events and 20 wedding events with the requirements outlined in the 2021 Planning Commission approval. The Temporary Use Permit was approved at the staff level.

Attachment #3 includes the monitoring reports for the 2021 season events and Attachment #4 includes the monitoring reports for the 2022 season events.

Project Description

The applicants are requesting to renew the Gray's Crossing Events Temporary Use Permit at PJ's Restaurant at Gray's Crossing (11410 Henness Road; APN 043-010-008) for the 2023 season. The applicants are proposing four Tuesday concert events, nine fewer than approved in 2021, and 20 private events:

Concert Events:

1. 06/27/2023
2. 07/25/2023
3. 08/29/2023
4. One future date pending

Special Events:

1. 06/03/23 (Saturday) – PJ's Wedding
2. 06/10/23 (Saturday) – PJ's Wedding
3. 06/16/23 (Friday) – Backup for Old Greenwood House*
4. 06/17/23 (Saturday) – Backup for Old Greenwood House
5. 06/23/23 (Friday) – Backup for Old Greenwood House
6. 06/24/23 (Saturday) – Backup for Old Greenwood House
7. 07/01/23 (Saturday) – Backup for Old Greenwood House
8. 07/07/23 (Friday) – Backup for Old Greenwood House
9. 07/08/23 (Saturday) – Backup for Old Greenwood House
10. 07/28/23 (Friday) – PJ's Wedding
11. 07/29/23 (Saturday) – Backup for Old Greenwood House
12. 08/04/23 (Friday) - Backup for Old Greenwood House
13. 08/05/23 (Saturday) - Backup for Old Greenwood House
14. 08/12/23 (Saturday) - Backup for Old Greenwood House
15. 08/26/23 (Saturday) – Backup for Old Greenwood House
16. 09/09/23 (Saturday) – PJ's Wedding
17. 09/23/23 (Saturday) – Backup for Old Greenwood House

18. 09/30/23 (Saturday) – Backup for Old Greenwood House
19. 10/07/23 (Saturday) – Backup for Old Greenwood House
20. 10/21/23 (Saturday) – Backup for Old Greenwood House

*Staff's understanding of the descriptor "Backup for Old Greenwood House" is that the event was originally intended to be at the Old Greenwood House but due to construction delays, the weddings would be at PJ's at Gray's Crossing instead as a "backup" plan.

Similar to previous years, the applicants are proposing that concerts would be held from 5:00 PM to 8:00 PM and private events would typically be held from 4:00 PM to 10:00 PM. No maximum occupancy is anticipated for concerts with a 200-guest maximum anticipated for private events. All events will be located on the lawn area next to PJ's and within the PJ's restaurant. Food and beverage service for all events would be provided by PJ's. See Attachment #2 for the applicant's submittal.

The applicants have stated that they originally planned to transition weddings with amplified music to the Old Greenwood House facility for the 2023 season. However, the applicants' estimates for the construction timeline for the Old Greenwood House project were not met and construction of the project did not commence in fall 2022. The applicants submitted a land use application for the Old Greenwood House as an event facility on March 30, 2021. The application was approved in September 2021. A building permit application was submitted February 2, 2022 and issued on September 26, 2022. The applicants anticipate moving the majority of the special events (weddings) to the Old Greenwood House once the improvements are completed.

Land Use Approvals

Temporary Use Permit

The applicant is requesting a Temporary Use Permit to host up to 24 events from June to October in 2023. The Gray's Crossing Specific Plan states that the Community Development Director may identify temporary uses that are compatible with the subject land use and surrounding land uses and that can be conditioned sufficiently to ensure their temporary nature and term. The Gray's Crossing Specific Plan identifies that standards for application processing shall be consistent with the Development Code requirements.

A Temporary Use Permit must ensure that the basic health, safety, and community welfare standards are met, and only suitable temporary uses with the minimum necessary conditions or limitations consistent with the temporary nature of the use are approved. In general, when reviewing a Temporary Use Permit, time limits, health department approvals, parking, signage, operating hours, nuisance factors, security, and other conditions are considered for compatibility with the site and adjacent uses. The review authority may impose conditions deemed reasonable and necessary to ensure that the approval is consistent with the Development Code and the Specific Plan. Temporary uses shall not be allowed on or within a parcel, shopping center, or business park for more than 90 days in any calendar year.

The Community Development Director is the designated review authority for Temporary Use Permits; however, the Director may refer any matter subject to their decision, without making a decision, to the Planning Commission so that the Commission may instead make the decision. In 2019, because of the broad interest in the Temporary Use Permit by the Gray's Crossing neighborhood, the Community Development Director referred the application to the Planning Commission for consideration. As part of the 2019 Temporary Use Permit review, the Planning Commission required that the applicant return to the Planning Commission if a Temporary Use Permit was requested in 2021. Subsequently, in 2021, the Planning Commission required that the applicant return to the Planning Commission if a Temporary Use Permit was requested in 2023.

General Plan Consistency

The project site is located in the Gray's Crossing Specific Plan Area of the General Plan. The General Plan identifies the Gray's Crossing Specific Plan area as a mix of residential, recreational, commercial, and public land uses. The General Plan Land Use Element Gray's Crossing Policies 6 and 14 seek to develop the site as a destination recreational community that includes a reasonable balance of residential, retail, office, and recreational land uses in each development phase. The applicants anticipate that the proposed concerts would serve as community/neighborhood events while the proposed events/weddings would help financially support the golf course and PJ's restaurant.

Due to the nature of the proposed events, staff believes that goals and policies of the Noise and Economic Development Elements are relevant to this discussion and are identified in this section.

The purpose of the Noise Element is to identify sources of noise in Truckee and to define strategies for reducing the negative impact of noise to the community. Noise has become recognized as an environmental pollutant that can threaten quality of life and human health by causing annoyance or disrupting sleep and everyday activities. With the presence of significant noise sources in Truckee, including Interstate 80, the railroad, and the airport, reducing the negative impact of unwanted and excessive noise is an important aspect of maintaining the Town's valuable quality of life and community character, which includes maintenance of a peaceful mountain environment. The following goals/policies apply:

Goal N-1 Minimize community exposure to excessive noise by ensuring compatible land uses relative to noise sources.

Policy 1.2 Require new development to mitigate exterior noise to "normally acceptable" levels in outdoor areas where quiet is a benefit, such as in the backyards of single-family homes.

Goal N-2 Address noise issues through the planning and permitting process.

Policy 2.1 Require mitigation of all significant noise impacts as a condition of project approval.

Policy 2.2 Require preparation of a noise analysis/acoustical study, which is to include recommendations for mitigation, for all proposed projects which may result in potentially significant noise impacts to nearby noise sensitive land uses such as residences.

Noise impacts from amplified music, speeches, and large groups of people are nuisances identified by neighboring residents in past and current public comments. In 2019, the applicants completed an acoustical analysis with an actual wedding and a simulated concert event. Bollard Acoustical Consultant's report stated the following:

The measured music levels at the nearest residences were all below the 50 dBA noise standard of the Town of Truckee. Although music was clearly audible at the nearest residences, the levels were nonetheless below 50 dBA. Maximum noise levels due to music were very close to the measured median levels reported in Table 2, and well below the Town's 70 dB Lmax noise standard.

Members of the Gray's Crossing community have identified that the noise from the weddings has impacted their neighborhood. While the applicants have submitted regular monitoring reports indicating that they are abiding by the 2019 noise study recommendations and 2021 conditions of approval and may be consistent with the noise standards, staff believes that just the presence of the amplified sound may still be affecting the neighbors. Staff believes that the ongoing noise each year has become a nuisance that is not appropriate for a Temporary Use Permit. Based on the complaints received, it appears the Temporary Use Permit may need to be revised or discontinued on the basis that it may not

be appropriate for the neighborhood. As noted previously in this staff report, a Temporary Use Permit is intended to allow short-term commercial activities that may not meet the normal development or use standards of the zoning district, but may otherwise be acceptable because of their temporary nature with adequate conditions proposed. The proposed events should not result in detrimental impacts to the neighborhood in which they are located. The Planning Commission should consider whether the Temporary Use Permit is appropriate in this neighborhood given the public comment that has been received (Attachment #4). Further analysis can be found in the *Nuisance* section of the “Specific Plan/Development Code Consistency” section of this staff report.

The Economic Development Element is directed toward fostering a healthy, balanced year-round economy in order to provide a broad range of economic opportunities for all Truckee residents. Numerous goals and policies are included in this element that encourage a diverse and sustainable year-round economy while maintaining the Town’s community character and high quality of life. The following goals/policies apply:

Goal ED-5 Promote and enhance Truckee’s role as a sustainable year-round tourist destination.

Policy 5.2 Continue to build on Truckee’s historic and natural assets to expand Truckee’s appeal as a tourist destination, focusing on Downtown and riverfront revitalization as a priority.

Policy 5.3 Support new visitor-oriented restaurants, lodging, and services to meet tourist needs and capture expenditures locally.

Goal ED-7 Leverage Truckee’s “natural capital” in implementing economic development strategies.

Policy 7.3 Support the establishment of businesses and industries that draw upon Truckee’s natural assets and environment.

The applicants have stated that the proposed events would help support the seasonal and recreational amenities that are owned and operated by the Tahoe Mountain Club. The Gray’s Crossing golf course and PJ’s Restaurant are amenities that serve the Gray’s Crossing residential subdivision and the greater Truckee area and is consistent with the Gray’s Crossing Specific Plan vision of a mixed-use community that serves both visitors and locals. The economic benefits of the proposed temporary use should be weighed against the impacts on the residential neighborhood.

Specific Plan/Development Code Consistency

The project is located in the Recreation zoning district and the Recreation district of the Gray’s Crossing Specific Plan. The Recreation district of the Gray’s Crossing Specific Plan is intended to provide tourist-oriented land uses ranging from country club and restaurant, health and fitness center, 18-hole golf course, driving range, golf course, playgrounds, and pedestrian/bike trail. Conference facilities, country clubs, outdoor commercial recreation, and private recreational facilities are allowed uses in this district. Tahoe Donner Golf Course/Lodge and the Tahoe Donner Cross Country/Equestrian Center are similar projects that have included review of a similar uses through their Use Permits.

Temporary Use Permits allow short-term commercial uses and events that may not meet the normal development or use standards of the applicable zoning district but may otherwise be acceptable because of their temporary nature. The review authority for a Temporary Use Permit may impose conditions deemed reasonable and necessary to ensure that the approval will be in compliance with the Development Code. Staff believes time limits, noise, and parking continue to be the key concerns for the neighborhood as described below.

Time Limits

The Planning Commission may set a fixed period of time up to a maximum of 90 days per calendar year and may regulate operating hours and days. The applicants are requesting to host 24 days of events (four community concerts and 20 weddings). This is a reduction from the 33 events approved in 2021 by the Planning Commission due to the reduction of the community concert events from 13 to four. The applicants have indicated that many of the wedding events were intended for the Old Greenwood House facility; however, the applicants did not accurately estimate the planning and building permits process timelines. Therefore, the applicants are proposing to move the events to the Gray's Crossing site until the Old Greenwood House improvements are completed.

Staff notes that this is the fifth year (including the COVID-19 impacted season where no events were held) the applicants are requesting a Temporary Use Permit for events. The membership of the Gray's Crossing subdivision has consistently provided comment opposing these events when the opportunity for public comment is provided (See Attachment #6 for public comment from this year). At this point, staff believes that the events are no longer a temporary use and should be considered a permanent land use and should be reviewed under those standards. This approach would require an amendment to the underlying land use permit for the facility. The Town typically processes Temporary Use Permits with annual renewals for one-time annual events, outdoor sales for retail businesses, and Christmas tree lots. Staff believes a use that includes a series of 20 or more events that is renewed every year should not be considered a temporary use. Similar events held at a similar facility, the Tahoe Donner Lodge, had their events reviewed under the underlying permanent land use permit for the project; the events were not reviewed under a Temporary Use Permit process. Further, the applicants stated in 2021 that they anticipated the 2021 season would be the last season. The Planning Commission granted the 2022 extension to allow a buffer due to the nature of changing construction timelines.

With the understanding that there are events booked, staff recommends allowing the dates and times of this season, with additional conditions of approval related to noise, described in more detail below in the *Nuisances* section. Additionally, staff recommends Condition of Approval No. 8 prohibiting future Temporary Use Permits for private events. As part of this recommendation, staff has incorporated a provision to allow up to four community events through a staff-level Temporary Use Permit in the future. Staff believes that a very limited quantity of community events meets the intent of a Temporary Use Permit and is more aligned with the historical use of this type of permit. Further, based on public comment received, the community events appear to be generally supported by the neighborhood. Golf-course related events or typical restaurant bookings are not considered an event for the sake of this condition. If future private events are desired, the applicants will be required to pursue a permanent land use permit that should likely include a building that can accommodate events and attenuate sound, if they would like to continue to hold events at this location. Staff believes that this would give the applicant and community clarity on expectations for the future process.

Nuisances

Regulation of nuisance factors including noise, odors, smoke, and waste are required as part of Temporary Use Permit approval to ensure minimal impact on neighbors. The applicants are proposing use of an existing restaurant with adequate restroom and solid waste and recycling facilities. Conditions of Approval from the Town's Solid Waste and Recycling Division have been incorporated into Resolution 2023-02.

Due to the building size and site layout of the PJ's restaurant and golf course, there is minimal indoor seating and few barriers that would help with noise attenuation. Further, the event site is located on a hill above the golf course. Noise has been identified as the most impactful and consistent nuisance that results from the events. Adjacent neighbors have stated that the amplified music and speeches from weddings that extend to 10 PM create a nuisance and that event breakdown following the event create even later impacts. For context purposes, Figure 2 provides a map showing the locations of nearby

residents. The closest residents are approximately 400 feet away to the northwest with 22 homes and seven residential lots within a 1,000-foot radius of the event site.

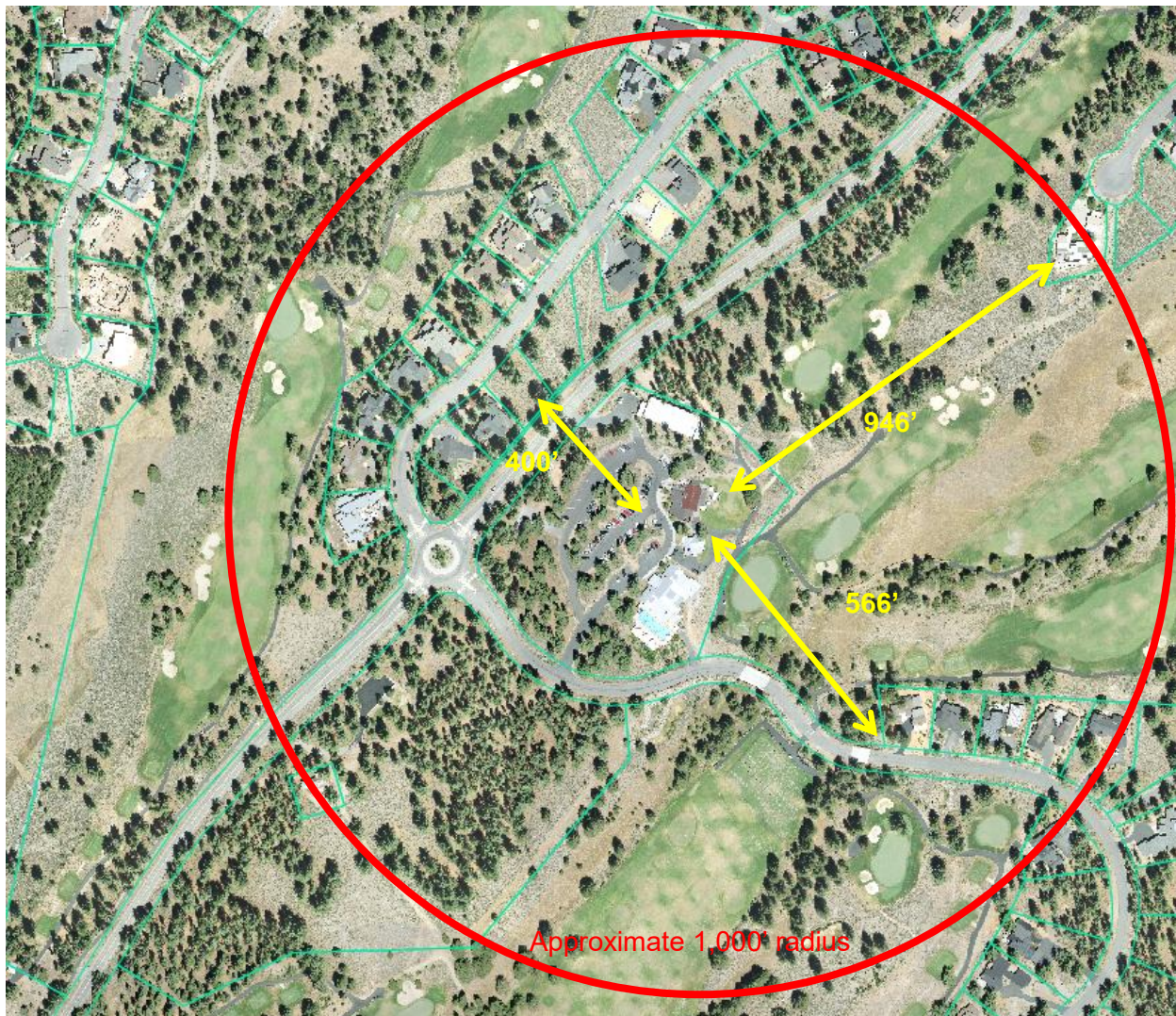


Figure 2: Map showing distance to residential lots

In 2021, to help address the noise impacts, the Planning Commission required an onsite manager or monitor for all events with a phone number dedicated for complaints, compliance with the Noise Ordinance, and implementation of the recommendations from a 2019 noise study, including requirements for speaker orientation and decibel level monitoring (The acoustical analysis is included starting on Page 40 at the following link: <https://portal.laserfiche.com/Portal/DocView.aspx?id=59524911&repo=r-6a91ddbc>).

As noted previously, the applicants have submitted monitoring information that indicates that the events are in compliance with the Noise Ordinance. However, staff notes the 2019 noise study also identified that the noise from the events are still present even when the events are in compliance with the Noise Ordinance. Due to the amount of public comment the Town consistently receives opposing the Temporary Use Permit during Planning Commission reviews, staff believes that the noise from the events is negatively impacting the residents of the neighborhood and the findings for approval of the Temporary Use Permit can only be made with implementation of adequate conditions of approval. Therefore, staff recommends requiring that all music/sound for private events be restricted to unamplified and acoustic sound only (Condition of Approval No. 7). This would create a more intimate event that would have a

lesser impact on the neighbors. Staff understands that this may not be the expectation of the type of wedding reception the event planners and their clients envisioned; however, staff notes that these events were booked prior to any approval and after the applicants stated that the 2021 year was intended to be the last year. Staff believes that recommendation is an appropriate compromise to allow the events to move forward for 2023 in a less disruptive manner, acknowledging the public comment from the neighborhood. Staff balanced this recommendation with one of disapproval of the Temporary Use Permit for 2023. Since community events have generally been supported by the surrounding neighbors, end at 8 PM, and are open to the public, staff believes allowing amplified sound for these events is appropriate, with implementation of the specific requirements identified by the 2019 noise study, which is incorporated into Condition of Approval No. 11.

A number of public comments have also identified parking and traffic as issues related to the events. Many of these conflicts likely occur during the community events which are open to the public with no maximum capacity identified. Staff believes that the proposed reduction of the community events would minimize the ongoing perceived impacts on the neighborhood. Additionally, staff notes that on-street parking is allowed community-wide during the summer season as long as the emergency access lanes are maintained. On-street parking and traffic in the area have been discussed in previous staff reports and conditions of approval that were previously considered have been incorporated in Resolution 2023-02:

- Condition of Approval No. 19 – Shuttle service requirement for weddings with more than 175 guests.
- Condition of Approval No. 20 – On-street parking limitations
- Condition of Approval No. 21 – Traffic management
- Condition of Approval No. 23 – Truckee Fire Protection District requirement to maintain fire lanes.

The Town of Truckee Police Department and Engineering Division were routed the project and have not identified any concerns with the previous events in terms of traffic, parking, and access. With incorporation of these conditions of approval and reduction of the community events to four, staff believes that the traffic and parking issues have been adequately addressed.

Unpermitted Parking Area

The original approval of the PJ's restaurant and golf clubhouse allowed between 87 and 114 parking spaces, depending on need. Eighty-seven parking spaces were created to accommodate PJ's, the fitness center, and golf course. An unpaved and mulched upper portion of the site has been converted as an informal parking area for staff and customers. However, this area was not approved for parking and does not meet the Town's Development Code standard. The applicants have stated that the overflow parking on Prosser Dam Road and Henness Road generally occur during popular concert events and not during the wedding events.

In 2019, due to the concerns with parking, as part of the original Temporary Use Permit, the applicants were required to pave the upper portion of the site (between Prosser Dam Road and the existing parking lot) Town's parking standards or re-vegetate the area with climate-appropriate vegetation and block off the area to prohibit vehicle access. If the upper portion of the site was paved, up to 27 additional parking spaces (total 114 spaces) could be added. The applicants were required to demonstrate that the project is in compliance with the required open space and site coverage requirements originally approved for the site and obtain a grading permit from the Town. See Figure 3 for the unpermitted parking area.



Figure 3: Unpermitted parking area

At the July 2019 Planning Commission review, the Planning Commission revised this requirement to require the construction of the parking improvements by August 2019. The applicants did not meet this obligation.

In May 2020, the applicants requested deferral of the parking lot improvement for the 27 additional parking spaces due to the uncertainty of COVID-19. The applicants committed to maintaining existing BMPs to minimize disturbance and track-off, submitting grading plans for the proposed paved improvements by April 1, 2021, and installation of the improvements by October 15, 2021. Staff agreed to this deferral due to the unprecedented circumstances of the pandemic.

At the 2021 Planning Commission meeting, the Planning Commission required that the applicants either pave the parking lot in compliance with the original Gray's Crossing PJ's and Clubhouse approval or revegetate and install rock barriers to prohibit access to the parking area. However, the unpermitted parking area was required to be paved for any future Temporary Use Permit that requests 200 guests or more, including community concerts.

The applicants submitted grading permits for the parking improvements to the Town on April 1, 2021 (Grading Permit 2021-00000355), with corrections provided on May 24, 2021. The grading permit included plans to expand the parking area; however, the parking area was not consistent with the parking area that was depicted in the 2006 approval (See Figure 4 for the 2021 proposal compared to the original 2006 site plan). Additionally, information related to site coverage, open space, snow storage, and landscaping were requested but not submitted.

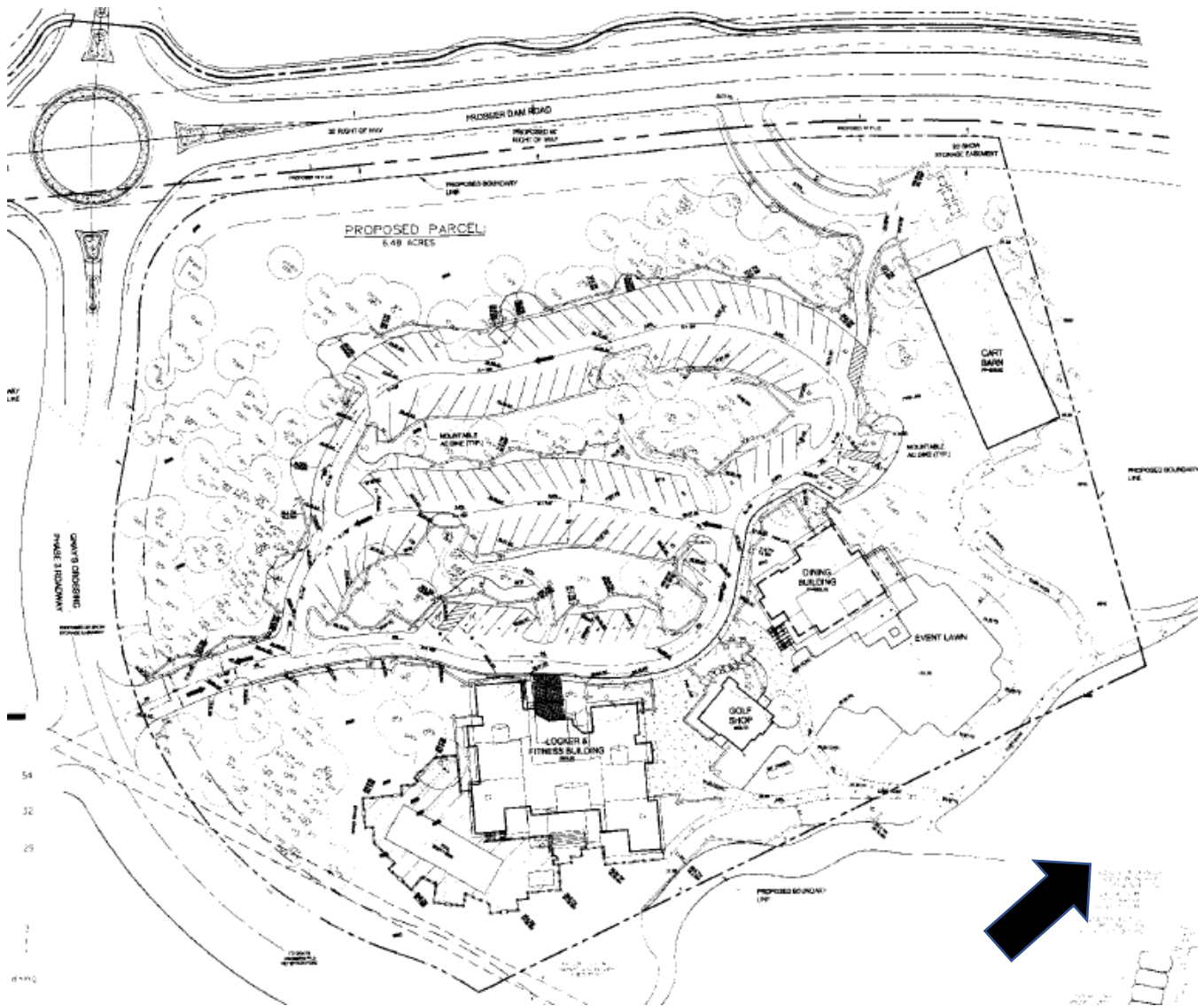


Figure 5: 2006 original site plan

Special Districts and Utilities

All applicable special districts, utility companies, and Town departments with an interest in this application have been notified. No objections were filed by other agencies. The project will be required to be in compliance with all utility and special agency requirements. The Truckee Fire Protection District has noted that use is required to be consistent with current fire regulations, the fire lanes are required to be maintained at all times, and that the applicants are required to submit for a special event permit for any event using a tent or temporary membrane structure larger than 400 square feet. Additionally, NEvada County Department of Environmental Health has provided general comments regarding sewage disposal, water, and permit requirements. These comments have been incorporated into the recommended conditions of approval.

Environmental Review: Staff recommends that the Planning Commission find the project exempt from the California Environmental Quality Act (CEQA) per Section 15304(e) (Minor Alterations to Land) of the CEQA Guidelines which applies to minor public or private alterations in the condition of land, water, and/or vegetation, including minor temporary use of land having negligible or no permanent effects on the environment.

Public Communication: The public hearing notice was published in the *Sierra Sun* on February 10, 2023 and mailed on February 1, 2023 to all property owners within the Gray's Crossing subdivision, as shown on the latest current tax roll of Nevada County. The applicant posted an onsite sign on February 2, 2023 indicating a notice of application and information about the public hearing. Staff received a number of public comments (Attachment #6):

- 1) Pamela Dickerman – Supports the project and noted that there is no longer a lease agreement for the swim/fitness center between the Gray's Crossing HOA and Tahoe Mountain Club.
- 2) Scott Case – Opposes the project due to the noise and guest count. Concerned about the multiple annual requests.
- 3) Ralph, Sanna, and Stefano Herrera – Opposes the private events. Supports the community events, but wish that all events minimized impacts to the community.
- 4) Ted Schmidt – Opposes the project, particularly due to the parking on Prosser Dam Road.
- 5) Amy Vallerie and Anant Ahuja – Opposes the project and believes that the mismanagement of the events impacts on home values.
- 6) David Conner – Supports the project because it financially backs the golf course, which enhances home values.
- 7) Adrienne Kimber – Opposes the project and has concerns about the noise.
- 8) Cathy Allor – Opposes the project and has concerns with access to the restaurant, noise, and traffic.
- 9) David and Deborah Gray – Opposes the private events but supports the community events. Concerned about the noise and access to the restaurant. Understands the financial component and recommends a maximum of 10 private events, on a one per every other weekend basis with amplified sound restricted to 4:00 PM to 9:00 PM.
- 10) Deborah Gray – Does not oppose the community events but opposes the private events. Has concerns with the amplified sound, traffic, parking on Prosser Dam Road, and access to the restaurant.
- 11) Mike Brown – Opposes the private events and has concerns with the timeline for approvals, issues with the complaint log, and noise from the music and guests of the events.
- 12) Suzanne Manugian – Opposes the project. No specific reason was provided.
- 13) Peter Salvati – Opposes the private events, supports the community events. Concerned about the multiple annual requests, noise during and after the events, traffic, parking, and access to facilities.
- 14) Alexander Dalal – Opposes the project due to traffic, noise, lack of access to the fitness facility, rude users, and multiple annual requests.
- 15) Michael Rogers – Opposes the project due to traffic, noise, lack of access to PJ's, and multiple annual requests.
- 16) Robin Hensley – Opposes the project due to noise, the multiple annual requests, pre-booked events, and skepticism about the Old Greenwood House construction timeline.

Staff Summary and Recommendation:

While the Development Code allows approval of a Temporary Use Permit for up to 90 days, the overall intent of this type of permit is to only allow the temporary uses if impacts to the surrounding neighborhood are minimized. Historically, the Town has not approved a series of private events through a Temporary Use Permit; these are generally reviewed under a permanent land use permit. Staff believes that the configuration of the property and size of the building are not adequately designed to serve the type of events that have been ongoing at the site without impacting the neighbors. It is also staff's opinion that the annual timing of events and quantity of events should be considered a permanent land use, rather than a temporary use, and should be held to those standards, similar to Tahoe Donner Lodge and Adventure Center. In general, annual renewals of temporary use permits should be limited to one-time events, outdoor sales for retail uses, or Christmas tree lots.

Staff believes that allowing this last year of the Temporary Use Permit with the prohibition on amplified sound is a compromise to allow completion of the existing bookings. With the explicit prohibition on future Temporary Use Permits for community and private events, the applicants will have clarity on the expectations of the community and will know how to proceed in the future. This explicit direction will also serve to motivate the applicants to move forward with their Old Greenwood House event facility conversion in an expeditious manner. With incorporation of these conditions, staff recommends approval of Resolution 2023-02.

Alternative Actions: Actions that the Planning Commission may take as an alternative to the recommended action include:

1. Continue the public hearing to a date and time certain.
The Planning Commission may request additional information from the applicant and/or staff (if new information is presented at the next meeting, the public portion of the hearing must be reopened on the new information submitted).
2. Land Use Permits
 - a. Add, delete or modify the proposed conditions of approval
 - b. Deny the project on the basis that all of the required findings cannot be made.
3. Require additional environmental review.

The Planning Commission may approve the Temporary Use Permit as approved, modify the Temporary Use Permit, or deny the Temporary Use Permit based on findings. The Planning Commission may modify the quantity, type, and/or hours of the events. For example, the Planning Commission could approve all of the events and allow amplified music until a certain time; the Planning Commission could consider only approving the concerts and not the weddings/events; the Planning Commission can consider reducing the number of events. Since the applicants have booked events for the 2023 season with the understanding that no approvals have been provided, there is potential for wedding parties to be impacted, though that should not necessarily be a factor in the Commission's consideration of this request. Staff's recommendation to prohibit amplified sound would also potentially impact these wedding parties. It is clear that there are concerns from a number of neighbors who oppose the nuisance(s) which result from this special use and the Commission may wish to balance those concerns with the benefits derived by the property owners and special event organizers/patrons. The Planning Commission may also provide direction on any future Temporary Use Permits with amplified outdoor music for weddings and/or concerts on this site if staff's recommendation to prohibit them is not supported.

Attachments:

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| Attachment 1: | Draft Planning Commission Resolution No. 2023-02 |
| Attachment 2: | Applicant submittal |
| Attachment 3: | 2021 Monitoring Reports |
| Attachment 4: | 2022 Monitoring Reports |
| Attachment 5: | Project Background (2004 to 2020) |
| Attachment 6: | Public Comments |