

PLANNING COMMISSION RESOLUTION 2024-12

EXHIBIT D

A RESOLUTION OF THE TOWN OF TRUCKEE PLANNING COMMISSION APPROVING APPLICATION 2024-00000014/DP-UP-MUP-ZC-TM-HDR-SP (RESIDENCES AT JIBBOOM)

FINDINGS

DEVELOPMENT PERMIT FINDINGS

1. The proposed development is allowed by Article II (Zoning Districts and Allowable Land Uses) within the applicable zoning district with the approval of the applicable land use permit and complies with all applicable provisions of this Development Code, the Municipal Code and the Public Improvement and Engineering Standards.

“Multifamily Dwellings, 11 and more units” are a permitted use in the Downtown Mixed Use (DMU) zoning district with approval of a Development Permit as identified by Development Code Table 2-8 (Allowed Uses and Permit Requirements for Downtown Commercial and Manufacturing Districts). Further, “Retail stores, general merchandise” is a permitted use as identified in Table 2-8 (Allowed Uses and Permit Requirements for the Downtown Commercial and Manufacturing Districts) with approval of a Zoning Clearance. With the incorporation of the Conditions of Approval and application of the SDBL incentives/concessions and waivers/reductions the project is in compliance with the zoning district standards, Development Code, Municipal Code, and PIES. This finding is supported by the discussion contained in the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024.

2. The proposed development is consistent with the General Plan, any applicable Specific Plan and/or Master Plan, the Trails Master Plan, the Truckee Tahoe Airport Land Use Compatibility Plan and the Particulate Matter Air Quality Management Plan.

With incorporation of the Conditions of Approval, the project is consistent with the objective policies of the 2040 Truckee General Plan as supported by the discussion contained in the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024.

The project is in the Truckee Downtown Plan. With incorporation of the conditions of approval and approval of the waiver/reduction requests pursuant to California State Density Bonus Law, the project is consistent with the Truckee Downtown Plan as supported by the discussion contained in the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024. The project is Zone D of the Truckee Tahoe Airport Land Use Compatibility Plan Zone. The project is consistent with the Safety and Airspace Protection Factors identified in the ALUCP because the project does not exceed the height limits of 100 ft. above the airport runway elevation. With implementation of the conditions of approval, the project is consistent with the Particulate Matter Air Quality Management Plan which requires dust suppression and no wood burning devices.

3. The proposed development is consistent with the design guidelines, achieves the overall design objectives of the design guidelines and would not impair the design and architectural integrity and character of the surrounding neighborhood.

Pursuant to the Housing Accountability Act / Housing Crisis Act (SB 330) and SDBL the project is consistent with the objective policies and development standards contained in the 2040 General Plan, Downtown Plan, and June 22, 2023 Development Code, with approval of the requested waivers/reductions and reduced parking requirements pursuant to SDBL. Pursuant to SB 330, a project's inconsistency with subjective design guidelines and/or the subjective Historic Design Guidelines is not grounds for disapproval. The conditions for disapproval of a housing development project as prescribed by SB 330 do not exist for the project. Substantial evidence has not been furnished that the project would result in a specific, adverse impact upon the public health or safety unless the project be disapproved or approved based upon the condition that the project be developed at a lower density. Specifically, this evidence of a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies or conditions. As detailed in the "Discussion and Analysis" section of the staff report dated September 17, 2024, the project is consistent with objective policies, development, and design standards in the June 22, 2023 Development Code, with approval of the requested waivers/reductions permitted under SDBL. The Town is not allowed to apply development standards which preclude the project from building at the permitted density as supported by the discussion contained in the "Discussion and Analysis" section of the Planning Commission staff report dated August 20, 2024. The project uses natural (metal/wood) materials which are painted earthtone colors.

4. The Development Permit approval is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless a Statement of Overriding Considerations is adopted.

The proposed project is exempt from the provisions of CEQA per the Class 32 exemption for In-Fill Development Projects (Section 15332 of the CEQA Guidelines). The Class 32 exemption can be applied to projects that meet the following criteria:

Consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations

- *Except for the allowances requested by the applicant and permitted pursuant to SDBL, the project is consistent with the Truckee 2040 General Plan and June 2023 Development Code. A 2011 case, Wollmer v. City of Berkeley, clarified the use of the CEQA infill exemption for density bonus projects. In this case, an opponent challenged the use of the urban infill exemption on the grounds that the modifications and waivers of development standards, as required to be granted under SDBL, meant that the project was not consistent with existing zoning. The court rejected that argument, finding that the modifications required by the Density Bonus Law did not disqualify the project from claiming the exemption.*

Located within town limits on a project site of no more than five acres and is substantially surrounded by urban uses

- *The project is in the town of Truckee, on a site that is 1.67 acres in size. The project site is substantially surrounded by urban uses. As discussed in the Setting section of this staff report, the project is encompassed by residential uses to the north and east and commercial uses to the south and west.*

Project site has no value as habitat for endangered, rare or threatened species

- *The project site was previously developed with a motel use, which has been*

demolished since 2015. The project site was also previously used for parking and is located in an urban environment on disturbed and graded soil. The site is void of grasslands or vegetation, except for the occasional pine tree, that would support endangered, rare, or threatened species. Therefore, because the project site was previously used for a motel, parking lot, has been roughly graded and previously disturbed, lacks vegetation, and is in an urban environment, the site has no value as habitat for endangered, rare, or threatened species.

Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality

- *The project is in the Residential CEQA VMT (Vehicle Miles Traveled) Exemption Zone and is presumed to have a less-than-signification transportation impact. Further, the project is exempt from Level of Service (LOS) Analysis as the Downtown area is exempt from LOS analysis.*

The project will be subject to all standard conditions of approval and agency regulations with respect to air quality, noise and water quality. The project does not include wood burning appliances and will be required to have a dust suppression plan. The project meets all stormwater requirements as determined by the Engineering Division. The project is required to meet construction noise standards and AB1307 clarifies that the effects of noise generated by the occupants of a development are not a significant effect on the environment per CEQA standards.

The project can be adequately served by all required utilities and public services.

- *The project has been reviewed by all utilities and public service agencies and final “will-serve” letter are required prior to building permit issuance.*

5. There are adequate provisions for public and emergency vehicle access, fire protection, sanitation, water and public utilities and services to ensure that the proposed development would not be detrimental to public health and safety. Adequate provisions shall mean that distribution and collection facilities and other infrastructure are installed at the time of development and in operation prior to occupancy of buildings and the land and all development fees have been paid prior to occupancy of buildings and the land.

The recommended Conditions of Approval ensure adequate provisions for public and emergency vehicle access, fire protection, sanitation, water, and public utilities and services. All utility agencies have reviewed the project, and no objections were filed. This finding is further supported by the discussion contained in the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024.

6. The subject site is:

Physically suitable for the type and density/intensity of development being proposed;

The SDBL allows the project to not meet this finding. The Town is not allowed to apply development standards which preclude the project from building at the permitted density as supported by the discussion contained in the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024.

Adequate in size and shape to accommodate the use and all fences and walls, landscaping, loading, parking, yards and other features required by this Development Code; and

The Housing Accountability Act / Housing Crisis Act and SDBL allows the project to not meet this finding. The Town is not allowed to apply development standards which preclude the project from building at the permitted density as supported by the discussion contained in the "Discussion and Analysis" section of the Planning Commission staff report dated September 17, 2024.

Served by streets adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed development.

The site is served by existing public streets. Existing public streets are adequate in width, pavement type, and vehicle miles traveled to carry the quantity and type of traffic generated by the proposed development. The project is located in Downtown Truckee which is not subject to level of service standards. Further, the project is located in a Vehicle Miles Traveled exemption area for the Town of Truckee. This finding is supported by the incorporated Conditions of Approval and by the discussion contained in the "Discussion and Analysis" section of the Planning Commission staff report dated September 17, 2024.

7. The proposed development is consistent with all applicable regulations of the Nevada County Environmental Health Department and the Truckee Fire Protection District for the transport, use and disposal of hazardous materials.

The project does not propose to transport, use or dispose of hazardous materials.

USE PERMIT AND MINOR USE PERMIT FINDINGS

1. The proposed development is allowed by Article II (Zoning Districts and Allowable Land Uses) within the applicable zoning district with the approval of the applicable land use permit and complies with all applicable provisions of this Development Code, the Municipal Code and the Public Improvement and Engineering Standards.

"Multifamily Dwellings, 11 and more units" are a permitted use in the Downtown Mixed Use (DMU) zoning district with approval of a Development Permit as identified by Development Code Table 2-8 (Allowed Uses and Permit Requirements for Downtown Commercial and Manufacturing Districts). Further, "Retail stores, general merchandise" is a permitted use as identified in Table 2-8 (Allowed Uses and Permit Requirements for the Downtown Commercial and Manufacturing Districts) with approval of a Zoning Clearance. With the incorporation of the Conditions of Approval and application of the SDBL incentives/concessions and waivers/reductions the project is in compliance with the zoning district standards, Development Code, Municipal Code, and PIES. This finding is supported by the discussion contained in the "Discussion and Analysis" section of the Planning Commission staff report dated September 17, 2024.

Hillside development standards in Development Code Section 18.36.040.C provides objective standards for hillside development on slopes exceeding 30%, and those exceeding 20% in the -HP (Historic Preservation) overlay zone. The Planning Commission "may authorize grading and structures on slopes exceeding 30% only if the Commission finds there is not sufficient area on the parcel with slopes less than 30% to accommodate a reasonable development, and measures have been incorporated into the development to minimize disturbance of the terrain." Section 18.36.040.C. provides that projects located in the Historic Preservation (-HP) Overlay District on Zoning Map Sheet #25 or in the FAR Incentive Infill Area on Zoning Map Sheet #28 shall be provided additional flexibility to construct on slopes exceeding 20% and 30% for the purpose of achieving desired infill

only if the review authority determined the development to be appropriate on the site and in keeping with the standards and criteria of this Chapter.

The project site does not have sufficient area to accommodate Building D without encroaching onto slopes exceeding 30%. Buildings A through C are predominantly located on portions of the project site with slopes 20% or less and have maximized developable potential of these areas without encroaching on to slopes 30% or more. Further, the project has minimized the portion of Building D encroaching on the slopes exceeding 30%. Approximately one half of the building is on slopes exceeding 30%, and generally follows slope topography. Therefore, measures have been incorporated to minimize disturbance of the terrain. Consistent with the requirement of Section 18.36.040.C identified above, the project is in the -HP Overlay Zoning District and achieves desired infill housing. As identified in Development Code Section 18.36.050, the project minimizes alterations to topography while achieving the development potential for the site. The project fits the terrain by limiting the amount of grading on the primary portions of the site that exceed 30% in grade, and the project retains the existing street layouts. Building D contains split level foundations and retaining walls to terrace the structure, stepping it back into the hillside in the direction of the slope. Therefore, the project maintains the standards and criteria of the Hillside Development chapter of the Development Code

2. The proposed development is consistent with the General Plan, any applicable Specific Plan and/or Master Plan, the Trails Master Plan, the Truckee Tahoe Airport Land Use Compatibility Plan and the Particulate Matter Air Quality Management Plan.

With incorporation of the Conditions of Approval, the project is consistent with the objective policies of the 2040 Truckee General Plan as supported by the discussion contained in the "Discussion and Analysis" section of the Planning Commission staff report dated September 17, 2024.

The project is in the Truckee Downtown Plan. With incorporation of the conditions of approval and approval of the waiver/reduction requests pursuant to California State Density Bonus Law, the project is consistent with the Truckee Downtown Plan as supported by the discussion contained in the "Discussion and Analysis" section of the Planning Commission staff report dated September 17, 2024. The project is Zone D of the Truckee Tahoe Airport Land Use Compatibility Plan Zone. The project is consistent with the Safety and Airspace Protection Factors identified in the ALUCP because the project does not exceed the height limits of 100 ft. above the airport runway elevation. The project is consistent with the Particulate Matter Air Quality Management Plan as conditioned because wood burning devices are prohibited, and the project will provide a dust suppression plan prior to issuance of building permit.

3. The size and operating characteristics of the proposed development would be compatible with the existing and future land uses in the vicinity;

The project site contains residential development and property that is designated for residential development to the north and to the east. North of the site, land uses are designated for Medium Density Residential land uses, while those to the east of the site are designated for High Density Residential land uses. Further, to the west and south of the site, land uses are designated for Downtown Mixed-Uses. The project is a mixed-use project with residential development proposed at an intensity similar to the land uses located to the east of the project site, with approval of the requested SDBL density. The project includes commercial uses similar to those located to the west and south of the site.

The project is consistent with the DMU land use designation, with approval of the SDBL density increase and waivers/reductions to development standards. Further, the project is consistent with objective standards of the 2040 General Plan, Truckee Downtown Plan, and June 22, 203 Development Code as detailed in the September 17, 2024 staff report. The addition of street parking along Jibboom Street is consistent with the existing use of parking along Jibboom Street and in Downtown Truckee. Therefore, the size and operating characteristics of the project are compatible with the existing and future land uses in the vicinity. Further, the conditions for disapproval of a housing development project as prescribed by SB 330 do not exist for the project. Evidence has not been furnished that the project would result in a specific, adverse impact upon the public health or safety unless the project be disapproved or approved based upon the condition that the project be developed at a lower density. Specifically, this evidence of a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies or conditions.

4. The proposed development would not be detrimental to the public health, safety, or welfare of the Town, or injurious to the property or improvements in the vicinity and zoning district in which the property is located;

The project has provided a geotechnical report, Noise Analysis, and Air Quality Analysis. All submitted studies show the project would be consistent with the 2040 General Plan and all thresholds from regulatory agencies related to air quality and noise. The provision of on-street parking would not be detrimental to public health, safety, or welfare because it would provide parking on an existing public street, both of which are designed consistent with Public Improvement Engineering standards. The conditions for disapproval of a housing development project as prescribed by SB 330 do not exist for the project. Evidence has not been furnished that the project would result in a specific, adverse impact upon the public health or safety unless the project be disapproved or approved based upon the condition that the project be developed at a lower density. Specifically, this evidence of a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies or conditions. Therefore, the proposed development would not be detrimental to the public health, safety, or welfare of the Town, or injurious to the property or improvements in the vicinity and zoning district where the project is located.

5. The Use Permit approval is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless a Statement of Overriding Considerations is adopted;

The proposed project is exempt from the provisions of CEQA per the Class 32 exemption for In-Fill Development Projects (Section 15332 of the CEQA Guidelines). The Class 32 exemption can be applied to projects that meet the following criteria:

Consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations

- *Except for the allowances requested by the applicant and permitted pursuant to SDBL, the project is consistent with the Truckee 2040 General Plan and June 2023 Development Code. A 2011 case, Wollmer v. City of Berkeley, clarified the use of the CEQA infill exemption for density bonus projects. In this case, an opponent challenged the use of the urban infill exemption on the grounds that the modifications and waivers of development standards, as required to be granted*

under SDBL, meant that the project was not consistent with existing zoning. The court rejected that argument, finding that the modifications required by the Density Bonus Law did not disqualify the project from claiming the exemption.

Located within town limits on a project site of no more than five acres and is substantially surrounded by urban uses

- *The project is in the town of Truckee, on a site that is 1.67 acres in size. The project site is substantially surrounded by urban uses. As discussed in the Setting section of this staff report, the project is encompassed by residential uses to the north and east and commercial uses to the south and west.*

Project site has no value as habitat for endangered, rare or threatened species

- *The project site was previously developed with a motel use, which has been demolished since 2015. The project site was also previously used for parking and is located in an urban environment on disturbed and graded soil. The site is void of grasslands or vegetation, except for the occasional pine tree, that would support endangered, rare, or threatened species. Therefore, because the project site was previously used for a motel, parking lot, has been roughly graded and previously disturbed, lacks vegetation, and is in an urban environment, the site has no value as habitat for endangered, rare, or threatened species.*

Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality

- *The project is in the Residential CEQA VMT (Vehicle Miles Traveled) Exemption Zone and is presumed to have a less-than-signification transportation impact. Further, the project is exempt from Level of Service (LOS) Analysis as the Downtown area is exempt from LOS analysis.*

The project will be subject to all standard conditions of approval and agency regulations with respect to air quality, noise and water quality. The project does not include wood burning appliances and will be required to have a dust suppression plan. The project meets all stormwater requirements as determined by the Engineering Division. The project is required to meet construction noise standards and AB1307 clarifies that the effects of noise generated by the occupants of a development are not a significant effect on the environment per CEQA standards.

The project can be adequately served by all required utilities and public services.

- *The project has been reviewed by all utilities and public service agencies and final “will-serve” letter are required prior to building permit issuance.*

6. The subject site is:

Physically suitable for the type and density/intensity of development being proposed;

The SDBL allows the project to not meet this finding. The Town is not allowed to apply development standards which preclude the project from building at the permitted density as supported by the discussion contained in the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024.

Adequate in size and shape to accommodate the use and all fences and walls, landscaping, loading, parking, yards and other features required by this Development Code; and

The Housing Crisis Act and SDBL allow the project to not meet this finding. The Town is not allowed to apply development standards which preclude the project from building at the permitted density as supported by the discussion contained in the "Discussion and Analysis" section of the Planning Commission staff report dated September 17, 2024.

Served by streets adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed development.

The site is served by existing public streets. Existing public streets are adequate in width, pavement type, and vehicle miles traveled to carry the quantity and type of traffic generated by the proposed development. The project is located in Downtown Truckee which is not subject to level of service standards. Further, the project is located in a Vehicle Miles Traveled exemption area for the Town of Truckee. This finding is supported by the incorporated Conditions of Approval and by the discussion contained in the "Discussion and Analysis" section of the Planning Commission staff report dated September 17, 2024.

7. There are adequate provisions for public and emergency vehicle access, fire protection, sanitation, water and public utilities and services to ensure that the proposed development would not be detrimental to public health and safety. Adequate provisions shall mean that distribution and collection facilities and other infrastructure are installed at the time of development and in operation prior to occupancy of buildings and the land and all development fees have been paid prior to occupancy of buildings and the land.

The recommended Conditions of Approval ensure adequate provisions for public and emergency vehicle access, fire protection, sanitation, water, and public utilities and services. All utility agencies have reviewed the project, and no objections were filed. This finding is further supported by the discussion contained in the "Discussion and Analysis" section of the Planning Commission staff report dated September 17, 2024.

8. The proposed development is consistent with all applicable regulations of the Nevada County Environmental Health Department and the Truckee Fire Protection District for the transport, use and disposal of hazardous materials.

The project does not propose to transport, use or dispose of hazardous materials.

Use Permit Findings for Hillside Development

As required by Development Code Section 18.36.060 (Hillside Development – Criteria for Use Permit Approval) the following findings are required for Hillside Development:

1. Natural topographic features and appearances are preserved by means of landform grading so as to blend constructed slopes into the natural topography and through restrictions on successive padding and terracing of building sites;

The project preserves natural topographic features and appearance because it focuses development on a portion of the site that is mostly outside of the 20% to 30% areas. The project blends into the slopes and natural topography by stepping back and terracing buildings where slopes exceed 20% to 30%.

2. Major natural topographic features as identified in General Plan Community Character Element Figure CC-1 "Scenic Resources," including prominent slopes, ridgelines, bluffs,

drainage courses, intermittent water courses or swales, watershed areas, vernal pools, view corridors and scenic vistas are retained;

The project is not located on natural topographic features identified in the Community Character Element Figure CC-1 "Scenic Resources" of the General Plan.

3. Prominent landmark features - significant rock outcroppings, prominent trees and woodlands, and other areas of special natural beauty are preserved and enhanced;

The project does not affect significant rock outcroppings, prominent trees and woodlands, and other areas of special natural beauty. The project site does not contain rock outcroppings; prominent trees on the steep slope adjacent to High Street are preserved; and the project is not located in a woodland or area of special natural beauty because the site is in Downtown Truckee which is an urban environment.

4. The use of varying setbacks, building heights, foundation designs and compatible building forms, materials and colors serve to blend buildings into the terrain;

The project employs varying setbacks and terracing of buildings in areas of the site where slopes exceed 30%. The project employs earth tone color schemes that blend the buildings into the terrain. Building heights vary to preserve views of the hillside behind the project site.

5. Sites and buildings are clustered on more gently sloping terrain so as to reduce grading alterations on steeper slopes;

The project clusters the building along the project frontage of Jibboom Street, which is a more level portion of the site with slopes less than 10% so as to reduce grading alterations.

6. Buildings are designed, located and arranged to avoid a continuous intrusive skyline effect and which afford view privacy and protection;

Buildings are designed, located, and arranged to avoid continuous intrusive skyline effect and afford view privacy and protection. The proposed buildings orient the majority of units and common areas onto Jibboom Street, which preserves privacy for residents along High Street and residents to the east of the site. All buildings have heights less than 50 ft., which preserves views from High Street. The project is arranged such that the predominant mass of the structures is located along Jibboom Street, which minimizes the continuous intrusive skyline effect had buildings been located on the portion of the project along High Street.

7. Vegetation is preserved and planted to protect slopes from soil erosion and slippage and minimize the visual effects of grading and construction of hillside areas;

The project preserves vegetation and protects slopes from soil erosion and slippage and minimizes visual effects of grading. The project would remove six (6) trees from the site, primarily located in the eastern portion of the site. The project would retain all other trees and vegetation, including the vegetation along the portion of the project fronting High Street. The project includes vegetation in all setback and graded areas of the site. The project would protect slopes from soil erosion and slippage by minimizing the development occurring on portions of the site with slopes exceeding 20% and by implementing the requirements of the Geotechnical Report (Attachment 9) and compliance with the Building Code and Engineering standards.

8. Streets and improvements are designed to minimize grading alterations and harmonize with the natural contours and character of the hillsides;

The project does not include streets and other improvements in areas of the site with slopes exceeding 20%. Grading alterations would predominantly occur on level portions of the site for the buildings. Therefore, streets and improvements would harmonize with natural contours and character of the hillside.

9. The project is designed to address safety issues by reducing the risk of injury, loss of life and property damage from earthquakes, landslides and other geologic hazards associated with construction near steep slopes, cliff edges and escarpments.

As conditioned, the project is required to comply with the provisions of the Geotechnical Report submitted with the project (Attachment 9). Further, the project will be required to comply with the Building Code when submitted for building permit. Compliance with the design specifications of the Geotechnical Report and the Building Code would ensure the project is designed to address safety issues and reduce the risk of injury, loss of life, and property damage from earthquakes, landslides, and other geologic hazards.

Minor Use Permit Findings for On Street Parking

As required by Development Code Section 18.48.110.D (Parking and Loading Development Standards – Downtown Parking), the following findings are required for approval of on-street parking:

1. The review authority shall find that the on-street parking does not currently exist or the condition of the parking is substantially below Town standards.

The proposed four (4) parking spaces (three (3) parking spaces counted towards the on-site parking requirement pursuant to Development Code Section 18.48.110.D.5 [Parking and Loading Development Standards – Downtown Parking]) in front of Building D, located to the west of the intersection of High Street and Jibboom Street, along Jibboom Street, do not exist at the time of publication of this staff report. Therefore, these spaces do not meet Town standards for on-street parking. The remaining westerly seven (7) parking spaces proposed along Jibboom Street, located in front of Buildings A, B, and C, exist at the time of publication of this staff report and have been improved to Town standards. These spaces are identified by striping, a kiosk for parking payment exists, and are identified in the Downtown Truckee Parking Map.

2. The review authority shall find that the on-street parking will not hinder future improvement plans for the street, will not result in traffic safety hazards, and will not unduly interfere with traffic flow.

The four (4) parking spaces (three (3) parking spaces counted towards the on-site parking requirement pursuant to Development Code Section 18.48.110.D.5 [Parking and Loading Development Standards – Downtown Parking]) in front of Building D, located to the west of the intersection of High Street and Jibboom Street, along Jibboom Street, do not hinder future improvement plans for the street, will not result in traffic safety hazards, and will not unduly interfere with traffic flow. The proposed street cross section and right-of-way for the project has been reviewed by the Town of Truckee Engineering Division, and the Engineering Division has not identified any deficiencies with the proposed parking that

would cause the proposed parking to hinder future improvement plans for Jibboom Street. The parking spaces are designed consistent with Engineering right-of-way standards and will therefore not result in traffic safety hazards and will not interfere with traffic flow because the travel lane for Jibboom Street along the project frontage will not be altered. Therefore, this finding can be made in the affirmative.

TENTATIVE PARCEL MAP FINDINGS

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with all applicable provisions of the Subdivision Map Act, the General Plan, any applicable Specific Plan and/or Master Plan, the Development Code, the Trails Master Plan, the Particulate Matter Air Quality Management Plan, and the Public Improvements and Engineering Standards.

The proposed subdivision is consistent with the 2040 General Plan, Downtown Plan, the Truckee Tahoe Airport Land Use Compatibility Plan, the Particulate Matter Air Quality Management Plan, and the Public Improvements and Engineering Standards.

2. The site is physically suitable for the type and density/intensity of development being proposed.

The SDBL allows the project to not meet this finding. The Town is not allowed to apply development standards which preclude the project from building at the permitted density as supported by the discussion contained in the "Discussion and Analysis" section of the Planning Commission staff report dated September 17, 2024.

3. There are adequate provisions for public and emergency vehicle access, sanitation, water, and public utilities and services to ensure that the proposed development would not be detrimental to the public health and safety.

The public utility districts and agencies have reviewed the proposed subdivision and have not filed any objections or comments. Any future development within the project area will be required to comply with all applicable regulations of the Town and other agencies.

4. There is available capacity in community sewer and/or water systems serving the subdivision or the subdivision will be served by on-site septic systems and/or private wells that comply with Nevada County Department of Environmental Health regulations.

All sewer and water infrastructure is required to be installed to adequately serve the proposed subdivision prior to future development of the parcels within the project area. Truckee Sanitary District (TSD) provided a will-serve letter confirming that there is current capacity to provide sewer service to the property. Truckee Donner Public Utility District (TDPUD) provided a comment letter identifying the water and electric infrastructure improvements that are required to be constructed in order to provide water service to the subdivision. The TSD and TDPUD requirements have been incorporated into the conditions of approval and are required to be addressed prior to issuance of grading or building permits for future development of any of the parcels within the subdivision. This finding is supported by the discussion contained in the "Discussion/Analysis" section of the Planning Commission staff report dated September 17, 2024.

5. Distribution and collection facilities for sewer and water and other infrastructure are installed to lot boundaries; and

All sewer and water infrastructure is required to be installed to adequately serve the proposed subdivision prior to future development of the parcels within the project area. Truckee Sanitary District (TSD) provided a will-serve letter confirming that there is current capacity to provide sewer service to the property. Truckee Donner Public Utility District (TDPUD) provided a comment letter identifying the water infrastructure improvements that are required to be constructed in order to provide water service to the subdivision. The TSD and TDPUD requirements have been incorporated into the Tentative Map conditions of approval and are required to be addressed prior to issuance of grading or building permits for future development of any of the parcels within the subdivision. This finding is supported by the discussion contained in the "Discussion/Analysis" section of the Planning Commission staff report dated September 17, 2024.

6. Recreation development fees are paid prior to map recordation.

The Tentative Map was reviewed by the Truckee Donner Recreation and Park District and recreation development fees are required to be paid prior to Final Map recordation for the proposed subdivision.

7. The Tentative Map approval is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality and natural resources, including fish, wildlife, and their habitat that would not be properly mitigated and monitored, unless a Statement of Overriding Considerations is adopted.

The proposed project is exempt from the provisions of CEQA per the Class 32 exemption for In-Fill Development Projects (Section 15332 of the CEQA Guidelines). The Class 32 exemption can be applied to projects that meet the following criteria:

Consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations

- *Except for the allowances requested by the applicant and permitted pursuant to SDBL, the project is consistent with the Truckee 2040 General Plan and June 22 2023 Development Code. A 2011 case, *Wollmer v. City of Berkeley*, clarified the use of the CEQA infill exemption for density bonus projects. In this case, an opponent challenged the use of the urban infill exemption on the grounds that the modifications and waivers of development standards, as required to be granted under SDBL, meant that the project was not consistent with existing zoning. The court rejected that argument, finding that the modifications required by the Density Bonus Law did not disqualify the project from claiming the exemption.*

Located within town limits on a project site of no more than five acres and is substantially surrounded by urban uses

- *The project is in the town of Truckee, on a site that is 1.67 acres in size. The project site is substantially surrounded by urban uses. As discussed in the Setting section of this staff report, the project is encompassed by residential uses to the north and east and commercial uses to the south and west.*

Project site has no value as habitat for endangered, rare or threatened species

- *The project site was previously developed with a motel use, which has been demolished since 2015. The project site was also previously used for parking and is located in an urban environment on disturbed and graded soil. The site is void of grasslands or vegetation, except for the occasional pine tree, that would support endangered, rare, or threatened species. Therefore, because the project site was previously used for a motel, parking lot, has been roughly graded and previously disturbed, lacks vegetation, and is in an urban environment, the site has no value as habitat for endangered, rare, or threatened species.*

Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality

- *The project is in the Residential CEQA VMT (Vehicle Miles Traveled) Exemption Zone and is presumed to have a less-than-signification transportation impact. Further, the project is exempt from Level of Service (LOS) Analysis as the Downtown area is exempt from LOS analysis.*

The project will be subject to all standard conditions of approval and agency regulations with respect to air quality, noise and water quality. The project does not include wood burning appliances and will be required to have a dust suppression plan. The project meets all stormwater requirements as determined by the Engineering Division. The project is required to meet construction noise standards and AB1307 clarifies that the effects of noise generated by the occupants of a development are not a significant effect on the environment per CEQA standards.

The project can be adequately served by all required utilities and public services.

- *The project has been reviewed by all utilities and public service agencies and final “will-serve” letter are required prior to building permit issuance.*

8. The subdivision will not be detrimental to the public health, safety, or welfare of the Town, or injurious to the property or improvements in the vicinity in which the property is located.

The project has provided a geotechnical report, Noise Analysis, and Air Quality Analysis. All submitted studies show the project would be consistent with the 2040 General Plan and all thresholds from regulatory agencies related to air quality and noise. The provision of on-street parking would not be detrimental to public health, safety, or welfare because it would provide parking on an existing public street, both of which are designed consistent with Public Improvement Engineering standards. The conditions for disapproval of a housing development project as prescribed by SB 330 do not exist for the project. Evidence has not been furnished that the project would result in a specific, adverse impact upon public health or safety unless the project be disapproved or approved based upon the condition that the project be developed at a lower density. Specifically, this evidence of a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies or conditions. Therefore, the proposed development would not be detrimental to the public health, safety, or welfare of the Town, or injurious to the property or improvements in the vicinity and zoning district where the project is located.

9. The proposed subdivision, together with the provisions for its design and improvement, will not conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision unless alternate easements for access or use will

be provided and the alternate easements will be substantially equivalent to ones previously acquired by the public.

The proposed project will not conflict with easements. The project is conditioned to record an access easement on an adjoining property. The recordation of this easement does not conflict with the proposed buildings onsite. The buildings do not conflict with any other required or proposed easements.

10. The discharge of sewage from the proposed subdivision into the community sewer system will comply with the requirements prescribed by the Lahontan Regional Water Quality Control Board.

All sewer and water infrastructure is required to be installed to adequately serve the proposed subdivision prior to any development occurring within the project area. Any future development within the project area will be required to comply with all Lahontan Regional Water Quality Control Board and Truckee Sanitary District requirements.

11. It is in the interest of the public health and safety, and it is necessary as a prerequisite to the orderly development of the surrounding area, to require the construction of improvements either prior to, or within a specified time after recordation of the Parcel Map, where road improvements are required (see Section 18.92.030 - Access, Circulation, Streets).

All road improvements that are required as part of the proposed subdivision are required to be constructed within the timeframes established in the conditions of approval for the project.

ZONING CLEARANCE FINDINGS

1. The proposed development is allowed by Article II (Zoning Districts and Allowable Land Uses) within the applicable zoning district with the approval of the applicable land use permit and complies with all applicable provisions of this Development Code, the Municipal Code and the Public Improvement and Engineering Standards.

“Multifamily Dwellings, 11 and more units” are a permitted use in the Downtown Mixed Use (DMU) zoning district with approval of a Development Permit as identified by Development Code Table 2-8 (Allowed Uses and Permit Requirements for Downtown Commercial and Manufacturing Districts). Further, “Retail stores, general merchandise” is a permitted use as identified in Table 2-8 (Allowed Uses and Permit Requirements for the Downtown Commercial and Manufacturing Districts) with approval of a Zoning Clearance. With the incorporation of the Conditions of Approval and application of the SDBL incentives/concessions and waivers/reductions the project is in compliance with the zoning district standards, Development Code, Municipal Code, and PIES. This finding is supported by the discussion contained in the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024.

2. The proposed development is consistent with the General Plan, any applicable Specific Plan and/or Master Plan, the Trails Master Plan, the Truckee Tahoe Airport Land Use Compatibility Plan and the Particulate Matter Air Quality Management Plan.

With incorporation of the Conditions of Approval, the project is consistent with the objective policies of the 2040 Truckee General Plan as supported by the discussion contained in

the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024.

The project is in the Truckee Downtown Plan. With incorporation of the conditions of approval and approval of the waiver/reduction requests pursuant to California State Density Bonus Law, the project is consistent with the Truckee Downtown Plan as supported by the discussion contained in the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024. The project is Zone D of the Truckee Tahoe Airport Land Use Compatibility Plan Zone. The project is consistent with the Safety and Airspace Protection Factors identified in the ALUCP because the project does not exceed the height limits of 100 ft. above the airport runway elevation. With implementation of the conditions of approval, the project is consistent with the Particulate Matter Air Quality Management Plan which requires dust suppression and no wood burning devices.

3. If applicable, the proposed development is consistent with the design guidelines, achieves the overall design objectives of the design guidelines and would not impair the design and architectural integrity and character of the surrounding neighborhood;

Pursuant to the Housing Accountability / Housing Crisis Act (SB 330) and SDBL, the project is not subject to subjective design standards and allows the project to not meet this finding. The Town is not allowed to apply development standards which preclude the project from building at the requested design and density as supported by the discussion contained in the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024. Further, the project is consistent with the objective policies of the 2040 Truckee General Plan, Truckee Downtown Plan, and June 22, 2023 Development Code as identified in the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024.

4. The Zoning Clearance approval is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless a Statement of Overriding Considerations is adopted; and

The proposed project is exempt from the provisions of CEQA per the Class 32 exemption for In-Fill Development Projects (Section 15332 of the CEQA Guidelines). The Class 32 exemption can be applied to projects that meet the following criteria:

Consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations

- *Except for the allowances requested by the applicant and permitted pursuant to SDBL, the project is consistent with the Truckee 2040 General Plan and June 2023 Development Code. A 2011 case, Wollmer v. City of Berkeley, clarified the use of the CEQA infill exemption for density bonus projects. In this case, an opponent challenged the use of the urban infill exemption on the grounds that the modifications and waivers of development standards, as required to be granted under SDBL, meant that the project was not consistent with existing zoning. The court rejected that argument, finding that the modifications required by the Density Bonus Law did not disqualify the project from claiming the exemption.*

Located within town limits on a project site of no more than five acres and is substantially surrounded by urban uses

- *The project is in the town of Truckee, on a site that is 1.67 acres in size. The project site is substantially surrounded by urban uses. As discussed in the Setting section of this staff report, the project is encompassed by residential uses to the north and east and commercial uses to the south and west.*

Project site has no value as habitat for endangered, rare or threatened species

- *The project site was previously developed with a motel use, which has been demolished since 2015. The project site was also previously used for parking and is located in an urban environment on disturbed and graded soil. The site is void of grasslands or vegetation, except for the occasional pine tree, that would support endangered, rare, or threatened species. Therefore, because the project site was previously used for a motel, parking lot, has been roughly graded and previously disturbed, lacks vegetation, and is in an urban environment, the site has no value as habitat for endangered, rare, or threatened species.*

Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality

- *The project is in the Residential CEQA VMT (Vehicle Miles Traveled) Exemption Zone and is presumed to have a less-than-signification transportation impact. Further, the project is exempt from Level of Service (LOS) Analysis as the Downtown area is exempt from LOS analysis.*

The project will be subject to all standard conditions of approval and agency regulations with respect to air quality, noise and water quality. The project does not include wood burning appliances and will be required to have a dust suppression plan. The project meets all stormwater requirements as determined by the Engineering Division. The project is required to meet construction noise standards and AB1307 clarifies that the effects of noise generated by the occupants of a development are not a significant effect on the environment per CEQA standards.

The project can be adequately served by all required utilities and public services.

- *The project has been reviewed by all utilities and public service agencies and final “will-serve” letter are required prior to building permit issuance.*

5. There are adequate provisions for public and emergency vehicle access, fire protection, sanitation, water and public utilities to ensure that the proposed development would not be detrimental to public health and safety. Adequate provisions shall mean that distribution and collection facilities and other infrastructure are installed at the time of development and in operation prior to occupancy of buildings and the land and all development fees have been paid prior to occupancy of buildings and the land.

The recommended Conditions of Approval ensure adequate provisions for public and emergency vehicle access, fire protection, sanitation, water, and public utilities and services. All utility agencies have reviewed the project, and no objections were filed. This finding is further supported by the discussion contained in the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024.

6. The subject site is:

Physically suitable for the type and density/intensity of development being proposed;

The SDBL allows the project to not meet this finding. The Town is not allowed to apply development standards which preclude the project from building at the permitted density as supported by the discussion contained in the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024.

Adequate in size and shape to accommodate the use and all fences and walls, landscaping, loading, parking, yards and other features required by this Development Code; and

The Housing Accountability Act / Housing Crisis Act and SDBL allows the project to not meet this finding. The Town is not allowed to apply development standards which preclude the project from building at the permitted density as supported by the discussion contained in the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024.

Served by streets adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed development.

The site is served by existing public streets. Existing public streets are adequate in width, pavement type, and vehicle miles traveled to carry the quantity and type of traffic generated by the proposed development. The project is in Downtown Truckee which is not subject to level of service standards. Further, the project is in a Vehicle Miles Traveled exemption area for the Town of Truckee. This finding is supported by the incorporated Conditions of Approval and by the discussion contained in the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024.

7. The proposed development is consistent with all applicable regulations of the Nevada County Environmental Health Department and the Truckee Fire Protection District for the transport, use and disposal of hazardous materials.

The project does not propose to transport, use or dispose of hazardous materials.

CERTIFICATE OF APPROPRIATENESS – HISTORIC DESIGN REVIEW – FINDINGS

1. The project, including its character, scale and quality of design, are consistent with the purpose of this Chapter and all applicable development standards and historic design guidelines;

Pursuant to the Housing Accountability / Housing Crisis Act (SB 330) and SDBL, the project is not subject to subjective Historic Design Guidelines nor other subjective design guidelines and allows the project to not meet this finding. The Town is not allowed to apply development standards which preclude the project from building at the requested design and density as supported by the discussion contained in the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024 pursuant to SDBL. Further, the project is consistent with the objective policies of the 2040 Truckee General Plan, Truckee Downtown Plan, and June 22, 2023 Development Code as identified in the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024. The conditions for disapproval of a housing development project as prescribed by SB 330 do not exist for the project. Substantial evidence has not been furnished that the project would result in a specific, adverse impact upon the public health or safety unless the project be disapproved or approved based upon the condition that the project be developed at a lower density. Specifically, this evidence of a “specific,

adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies or conditions.

2. With regard to a designated historic resource, the proposed work will neither adversely affect the significant architectural features of the designated historic resource nor adversely affect the character of historical, architectural, or aesthetic interest or value of the designated resource and its site;

The proposed project does not contain a designated historic resource. The subject site was redesignated by the Town Council at the August 13, 2024 hearing. The Town Council adopted Resolution No. 2024-053 reclassifying the site from Category B (Contributory) to Category D (Nonessential). Therefore, the project will not affect a designated historic resource, and this finding can be made in the affirmative.

3. With regard to any property located within the District, the proposed work conforms to the historic design guidelines for the district and does not adversely affect the character of the district;

Pursuant to the Housing Accountability / Housing Crisis Act (SB 330) and SDBL, the project is not subject to subjective design standards and allows the project to not meet this finding. The Town is not allowed to apply development standards which preclude the project from building at the requested design and density as supported by the discussion contained in the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024. Further, the project is consistent with the objective policies of the 2040 Truckee General Plan, Downtown Plan, and June 22, 2023 Development Code as identified in the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024.

4. In case of construction of a new improvement, addition, building, or structure upon a designated historic resource site, the exterior of such improvements will not adversely affect and will be compatible with the use and exterior of existing designated historic resources, improvements, buildings, natural features and structures on said site.

The proposed project does not contain a designated historic resource. The subject site was redesignated by the Town Council at the August 13, 2024 hearing. The Town Council adopted Resolution No. 2024-053 reclassifying the site from Category B (Contributory) to Category D (Nonessential). Therefore, the project will not affect a designated historic resource, and this finding can be made in the affirmative.

5. The proposed project is consistent with the General Plan, the Downtown Specific Plan and any applicable master plan.

With incorporation of the Conditions of Approval, the project is consistent with the objective policies of the 2040 Truckee General Plan as supported by the discussion contained in the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024.

The project is in the Truckee Downtown Plan. With incorporation of the conditions of approval and approval of the waiver/reduction requests pursuant to California State Density Bonus Law, the project is consistent with the Downtown Plan as supported by the discussion contained in the “Discussion and Analysis” section of the Planning Commission staff report dated September 17, 2024. The project is Zone D of the Truckee Tahoe Airport

Land Use Compatibility Plan Zone. The project is consistent with the Safety and Airspace Protection Factors identified in the ALUCP because the project does not exceed the height limits of 100 ft. above the airport runway elevation.

SIGN PLAN FINDINGS

1. The proposed sign is for a use that is allowed by Article II (Zoning Districts) and complies with all applicable provisions of this Chapter, the Development Code, the Municipal Code, the Public Improvements and Engineering Standards, any applicable Specific Plan or Master Plan, and any applicable Comprehensive Sign Program;

The proposed signage is an allowed use in Article II and complies with all applicable provisions of the Development Code, with approval of SDBL waivers/reductions. "Multifamily Dwellings, 11 and more units" are a permitted use in the Downtown Mixed Use (DMU) zoning district with approval of a Development Permit as identified by Development Code Table 2-8 (Allowed Uses and Permit Requirements for Downtown Commercial and Manufacturing Districts). Further, "Retail stores, general merchandise" is a permitted use as identified in Table 2-8 (Allowed Uses and Permit Requirements for the Downtown Commercial and Manufacturing Districts) with approval of a Zoning Clearance. With the incorporation of the Conditions of Approval and application of the SDBL incentives/concessions and waivers/reductions the project is in compliance with the zoning district standards, Development Code, Municipal Code, and PIES. This finding is supported by the discussion contained in the "Discussion and Analysis" section of the Planning Commission staff report dated September 17, 2024. The project is not subject to a Comprehensive Sign Program because one has not been adopted for the site. Therefore, this finding can be made in the affirmative.

2. The proposed sign is consistent with the design guidelines and historic design guidelines (for signs in the -HP district), achieves the overall design objectives of the guidelines, and would not impair the design and architectural integrity and character of the surrounding neighborhood.

Pursuant to the Housing Accountability / Housing Crisis Act (SB 330) and SDBL, the project is not subject to subjective Historic Design Guidelines, subjective Design Guidelines, and signage design guidelines and allows the project to not meet this finding. The Town is not allowed to apply development standards which preclude the project from building at the requested design and density as supported by the discussion contained in the "Discussion and Analysis" section of the Planning Commission staff report dated September 17, 2024. Further, the project is consistent with the objective policies of the 2040 Truckee General Plan, Truckee Downtown Plan, and June 22, 2023 Development Code as identified in the "Discussion and Analysis" section of the Planning Commission staff report dated September 17, 2024. The conditions for disapproval of a housing development project as prescribed by SB 330 do not exist for the project. Substantial evidence has not been furnished that the project would result in a specific, adverse impact upon the public health or safety unless the project be disapproved or approved based upon the condition that the project be developed at a lower density. Specifically, this evidence of a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies or conditions.