



PLANNING COMMISSION STAFF REPORT

Meeting Date: September 17, 2024

To: Town of Truckee Planning Commission

From: Adam Petersen, Senior Planner

RE: Planning Application 2024-0000014/DP-UP-MUP-ZC-TM-HDR-SP (Residences at Jibboom Development Permit, Use Permit, Minor Use Permit, Zoning Clearance, Tentative Map, Historic Design Review and Sign Plan); 10012 Jibboom Street (APN 019-102-016), 10090 Jibboom Street (APNs 019-102-011, -012, -013, -014, -015 and -17) and Unknown Address (APN 019-102-018); Owner/Applicant: Sean Whelan and Kevin Sloane; Agent: Lindy Winter, MWA

Approved by: Denyelle Nishimori, Community Development Director

Recommended Action: That the Planning Commission adopt Resolution No. 2024-12, approving the following actions based on the recommended findings and subject to the recommended conditions of approval:

1. Determine the project to be exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act.
2. Approve the requested land use entitlements for the project as follows:
 - ***Development Permit*** for projects with 11 or more multi-family residential units, 5,000 square feet or more of floor area;
 - ***Use Permit*** for disturbance of slopes of 20 percent or greater;
 - ***Zoning Clearance*** to permit “Retail, general merchandise” commercial space;
 - ***Tentative Map*** to reconfigure the existing parcel boundaries;
 - ***Historic Design Review*** to grant a Certificate of Appropriateness for new construction within the Historic Preservation Overlay District; and
 - ***Sign Plan*** to approve the proposed signage.
 - ***Minor Use Permit*** to approve on-street parking for the project

Project Summary: The applicant is requesting approval of the entitlements listed above to construct an 89,312 square foot mixed-use development comprised of 62 multi-family residential units (10 affordable for-rent units and 52 market rate for-sale units) and 3,339 square feet of ground floor commercial space at the corner of Jibboom Street and High Street in Downtown Truckee. The project is located at the following addresses: 10012 Jibboom Street (APN 019-102-016), 10090 Jibboom Street (APNs 019-102-011, -012, -013, -014, -015 and -17), and an unknown address (APN 019-102-018).

The scope of this project review is limited because the project was submitted under the provisions of Senate Bill 330 (SB 330 – Housing Accountability and Housing Crisis Act). This Bill limits a local agency’s ability to deny housing development projects that comply with objective general plan, zoning, and subdivision standards. Further discussion on the provisions afforded projects submitted as an SB 330 application is provided below in the “Background” section of this staff report.

The application includes dedicated low-income housing units along with the afforded increases in density and waivers permissible under State Density Bonus Law. The application includes a proposal that 10 units be deed restricted at the Low-Income rental rates of 50% to 80% of the Area Median Income (AMI). This dedication of units for low-income housing qualifies the project for a 50% increase in base density and waivers and reductions in development standards pursuant to State Density Bonus Law (SDBL). The applicant is also pursuing the provision of 20 additional affordable housing units through the Deed Restriction for New Development Program, which is administered through the Sierra Business Council. If approved, this would bring the number of affordable units to 30 with a total of 32 market-rate units.

The Town of Truckee 2040 General Plan designates the project site as “Plan Area.” The “Plan Area” land use designation includes all specific plan, master plan, and other planned communities. Standards for this designation are outlined in the applicable adopted plan or the Development Code. The Downtown Truckee Plan identifies the site as being in the Downtown Commercial Core subarea and assigns a land designation of “Downtown Mixed-Use” (DMU). The DMU land use designation affords a residential density of 12-24 dwelling units per acre and no maximum Floor Area Ratio (FAR) applies. The corresponding zone is “Downtown Mixed-Use” (DMU), which permits multi-family development, but requires a **Development Permit** for projects with 11 or more multi-family residential units and 5,000 square feet or more of floor area and a **Zoning Clearance** to permit “Retail, general merchandise” in the proposed 3,339 sf. of proposed commercial space

Major Discussion Topics: Staff identified specific discussion topics for consideration in the Discussion/Analysis section of this staff report. The following items are intended to guide the Planning Commission’s discussion:

- The project includes grading on slopes of 20% and 30%, which presents a potential conflict with General Plan Policy COS – 5.1. General Plan Policy COS – 5.1 states the following:
“Continue to preserve slopes of 30 percent or greater as open space and avoid slopes of 20 percent to 30 percent if there are other, more suitable areas for development with slopes less than 20 percent.”
- Development Code Section 18.36 (Hillside Development Standards) regulates hillside development. Specifically, Section 18.36.040 (Hillside Development Standards) identifies the circumstances under which the Planning Commission may authorize grading and structures on slopes exceeding 20% and 30%:
 - Section 18.36.040.C.b “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;” and
 - Section 18.36.040.C.c “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 Commission will need to determine if the proposed project conflicts with this policy, section of the Development Code, and if there are other more suitable areas for development onsite.

- State Density Bonus Law (SDBL) Topics:
The project was submitted pursuant to SDBL. The SDBL provides for additional density to be permitted in projects that provide a certain amount of affordable housing, as well as afford reduced parking requirements and the ability of projects to waive and/or reduce requested development standards. Accordingly, the Planning Commission will need to consider:

- Would the standard application of the development standards requested to be waived or reduced physically prevent the project from being built at the permitted density?
- Would the waiver/reduction requested cause a public health or safety problem, an environmental problem, harm historical property, or be contrary to law?
- Senate Bill 330 Topics:
 - A project submitted pursuant to SB 330 is subject only to applicable, objective general plan, zoning, and subdivision standards and criteria, including objective design review standards, in effect at the time that the application was deemed complete.
 - To deny a project submitted pursuant to SB 330, the local agency must base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:
 - The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density.
 - There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified above, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

Planning Commission's Role: The Planning Commission's role is to review the site layout and design of the buildings to ensure the project is consistent with the Town of Truckee 2040 General Plan, Downtown Truckee Plan and the Development Code, with respect Senate Bill 330 which limits a local agency's ability to deny housing development projects that comply with objective general plan, zoning and subdivision standards. The Commission should also review whether the waivers/reductions of development standards meet the requirements of SDBL.

Location/Setting: The proposed project is in the south-central area of the Town of Truckee, in the historic Downtown area along Jibboom Street. The 1.67-acre project site includes a total of eight existing parcels, which include the following: 10012 Jibboom Street (APN019-102-016) which contains an existing garage and wagon, seven vacant parcels (10090 Jibboom Street, APNs 019-102-011, -012, -013, -014, -015 and -17), and a parcel with no assigned address (APN 019-102-018). The Town of Truckee has zoned the project site DMU (Downtown Mixed Use). The site is identified in Figure 1.

The project site is generally encompassed by urban uses, with residential uses to the north, a pocket park followed by multi-family residential uses to the east, and commercial uses to the south and west. The residential uses to the north are located above the project on a hillside on High Street. Residential uses to the north are predominantly two-story single-family residences comprised of historical architecture. While the Trout Creek Pocket Park is located to the east of the site, the park is bordered to its east by undeveloped parcels and two- to three- story apartment structures some of which are comprised of wood panel siding, wood framed windows, while others are stucco style buildings. To the west of the project site are commercial buildings with historical architecture comprised of wood framed windows, horizontal wood siding, covered sidewalks, wood posts, and simple a-frame roof forms. South of the site, building materials become more diverse. At the southwest corner of Jibboom and Bridge Street, the building is a single-story commercial structure comprised of stone and mortar, with rectangular brick framed windows, a flat roof, and an arched brick parapet over the entry. Moving westward on the south side of Jibboom Street, buildings transition to wood shingle structures, horizontal wood siding, and a combination of metal and wood shingle roofs.

The project site is a mixture of level property along Jibboom Street, with a retaining wall separating the predominantly level portion of the project site from areas on the north side of the project where slopes exceed 30%. Rock protection is placed on this portion of the site with the slopes exceeding 30%. The

project site contains an old wagon, located to the west of the garage structure. The applicant proposes to donate this wagon to the Truckee Donner Historical Society. Portions of the site where the existing garage structure is located have slopes in the 20% to 30% range. The existing garage on the property is a rectangular building comprised of stone and a metal roof. There are no windows or other defining features. The front door of the garage structure is hanging to the side. At the southeast corner of the site is a utility cabinet and bollards. The site is predominantly void of vegetation, except for pine trees on the northern and eastern portions of the site adjacent to High Street. The site was formerly the location of a motel and second garage. However, those structures were removed in 2015 because of an imminent public safety hazard, and the site was used for parking following demolition of the structures. Table 1 summarizes the existing and surrounding land uses, 2040 General Plan Downtown land use designations, and Downtown Truckee Plan, and Figure 2 shows the existing site conditions.

Table 1 – Project Site and Surrounding Setting

	Existing Uses	2040 General Plan Designation	Downtown Truckee Plan (subareas identified in parentheses)	Town of Truckee Zoning*
Project Site	Garage and undeveloped site, Hillside	Plan Area	Downtown Mixed-Use (Downtown Commercial Core)	Downtown Mixed-Use
North	Single Family Homes	Plan Area	Medium Density Residential (North Neighborhood Gateway)	Downtown residential Medium Density (DRM-14)
South	Commercial and Office uses	Plan Area	Downtown Mixed-Use (Downtown Commercial Core)	Downtown Commercial
East	Trout Creek Park and commercial uses	Plan Area	Open Space and High Density Residential (Downtown Commercial Core and North Downtown Residential)	Downtown Residential High Density (DRH-24)
West	Commercial Uses	Plan Area	Downtown Mixed-Use (Downtown Commercial Core)	Downtown Mixed-Use

* All sites are in the -HP (Historic Preservation) Overlay Zone

Project Site Information:

General Plan: Plan Area – Downtown Truckee Plan Area

Downtown Truckee Plan: Downtown Mixed-Use

Zoning District: DMU (Downtown Mixed-Use), with -HP (Historic Preservation) Overlay

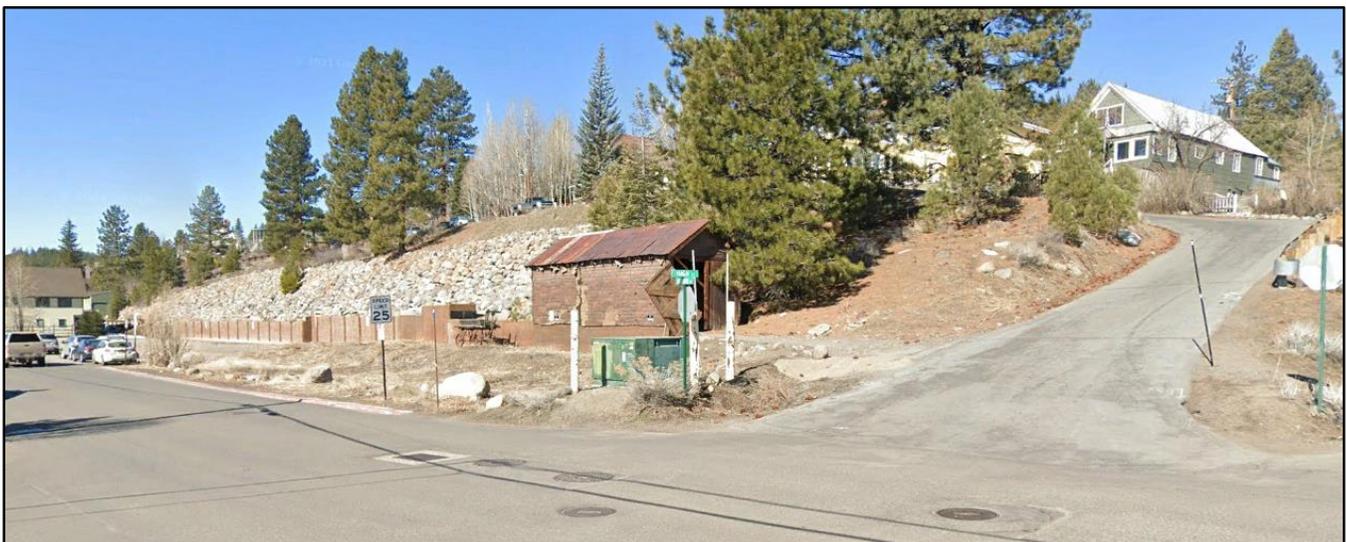
Project Area: 1.67 acres (72,745 sq. ft.)

Utilities: Public sewer and water

Figure 1 – Project Location



Figure 2 – Existing Site Conditions



Project Description

The applicant is requesting approval of land use entitlements for an 89,312 square foot mixed-use development comprised of 62 multi-family residential units (10 affordable for-rent units and 52 market rate for-sale units) and 3,339 square feet of ground floor commercial space at the corner of Jibboom Street and High Steet in Downtown Truckee.

The proposed 62 residential units are in a four-building design (Buildings A, B-C, and D). Buildings B-C are attached at the center of the site, while Buildings A and D are proposed as separate, standalone structures. The 3,339 square feet of ground floor commercial space fronts Jibboom Street and is distributed between Buildings B, C, and D.

The predominant square footage in the project is allocated to residential uses. Of the 89,312 square feet, 85,973 square feet is residential floor space (52,894 square feet of conditioned residential floor area, 22,210 square feet of unconditioned residential garage/storage/mechanical floor area, and 10,869 square feet of unconditioned covered balconies/walkways). The remaining square footage (3,339 sf.) is allocated to conditioned commercial space. The project includes 58 parking spaces onsite in covered garages below the residential units and behind the commercial spaces and four (4) on-street parallel parking spaces. However, pursuant to Development Code standards, the on-street spaces count for three-quarters of a parking space towards the onsite parking requirement. Therefore, the project provides 61 spaces for analysis with parking requirements. The project also proposes a reciprocal access easement on the eastern portion of 10102 Jibboom Street (APN 019-102-010) to afford access to half of the parking spaces provided in Building A.

Table 2 below summarizes the units per building. Studio units are a minimum of 265 sf., one-bedroom units are a minimum of 384 sf., two-bedroom units are minimum of 614 sf., and three-bedroom units are minimum of approximately 1,487 sf.

Table 2 – Project Unit and Commercial Area Summary

	Building A	Buildings B-C	Building D	Total
Studio	7	8	0	15
One-Bedroom	8	10	5	23
Two-Bedroom	0	12	1	13
Three-Bedroom	0	2	9	11
Total Residential Units	15	32	15	62
Commercial Space (sf.)	0	2,230	1,109	3,339 sf

Figure 3 presents the site plan for the project, Figure 4 is the Jibboom streetscape elevation, and Figure 5 shows the building elevations for the project.

Figure 3 – Project Site Plan

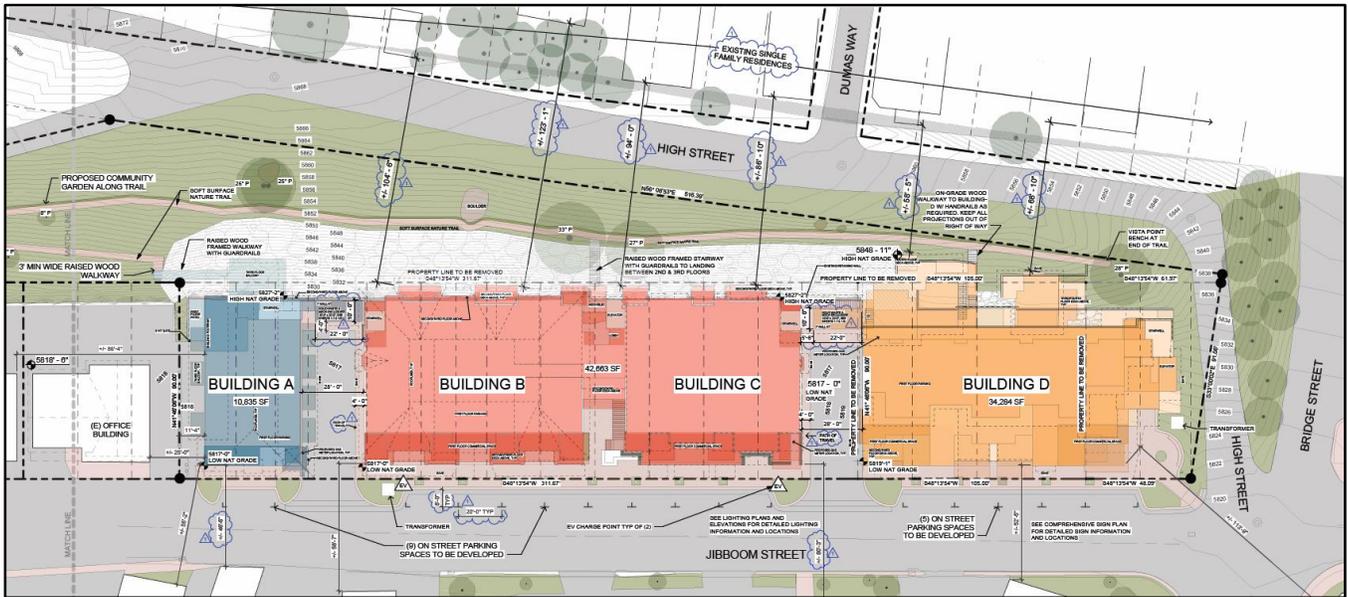
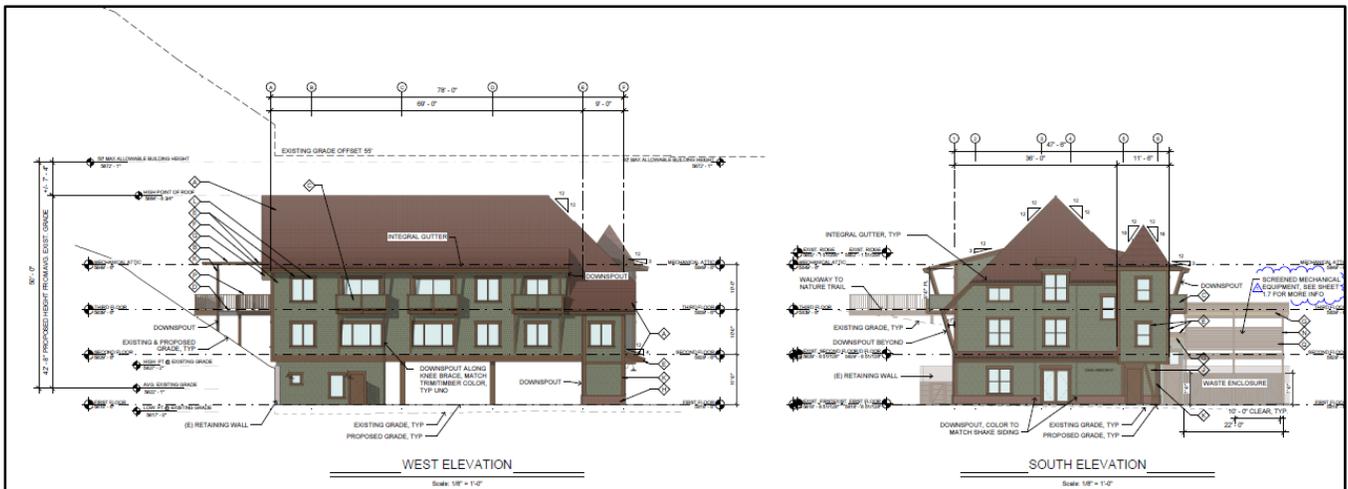


Figure 4 – Jibboom Streetscape Elevation



Figure 5 – Project Elevations

Building A Jibboom and Western Elevation



Buildings B, C Jibboom Street Elevation



Building D Jibboom Street Elevation



The architectural style of the project evolves along Jibboom Street from the west to the east. At the west end of the site, Building A is a three-story structure and is designed in similar style as the adjacent professional building to the west. The building consists of a defined base made of brick, with three levels of rectilinear forms and two projecting features – one in the center and one at the east end of the building – with 12 over 12 pitched roofs above the rectilinear portions of the building. Parking is in a portico beneath the building. Materials employed include, but are not limited to, composition shingle roofing, wood shingle siding, dark wood timbers, metal clad windows, a brick base, and Trex decking.

Buildings B-C are in the central portion of the site and comprise the largest in scale of the buildings. Building B includes low pitch gable roofs, divided lights, knee branches and continuous vertical trim. The second and third floors are setback from ground level while the ground floor mimics historic commercial uses with overhangs and covered walkways. Materials used include composition roofing, wood timbers, wood railings, horizontal and wood siding, brick faces, and metal clad wood windows. Building C is a flat-roofed structure with vertical and linear features oriented in rectangular fashion. Building C is comprised of brick with standing seam metal awnings, vertical wood siding, exposed steel and board formed concrete.

Building D is on the eastern side of the project site, and while Building B-C is the largest, Building D is the largest single building in scale. Its design is intended to express “Truckee Funk” with a mix of

reclaimed corrugated metal siding, flat rusted Corten panels, heavy timber, reclaimed wood gap boards, and exposed steel structure. Massing is varied and breaks down into smaller elements with rectangular vertical proportions. Divided light windows are used, as they would in industrial repurposed lofts. In the central portion of the ground level façade is a proposed public art component.

Signage is minimal for the project. Visible signage proposed at this time includes address markers and signage for potential commercial tenants. The primary signage to be proposed upon project construction would be these individually proposed commercial signs for the leasable commercial space. There is no intention of proposing a monument sign or building branding signage.

The project includes landscaping around the perimeter, setbacks, graded areas, and retention of native plants in the parcel fronting High Street. The project would remove six (6) trees from the lower portion of the project site near northwestern intersection of Jibboom Street and High Street. However, the project would plant a total of 33 trees onsite in addition to retaining the pine trees in the parcel along High Street. The project includes chokecherry trees spaced every 20 feet along Jibboom Street, placed in four-foot by four-foot tree grates. The project includes landscaping along the property line fronting the north-south portion of High Street, including planting of shrubs and groundcover. Total landscaping proposed is 2,064 sf, with 100% of the landscaping proposed to be drought tolerant and indigenous plants. The project plans note that landscaped areas will be supported by a permanent, automatic water efficient irrigation system designed consistent with Development Code Section 18.40.050.C (Site Landscaping Requirements). The initial project plans included a trail and landscaping in the open space parcel bordering High Street. However, the applicant has indicated a desire to remove the proposed trail to avoid grading on slopes exceeding 30%, and the project is conditioned as such.

The project includes streetscape alterations along Jibboom Street and along the north/south portion of High Street. Improvements along Jibboom Street include the installation of a six-foot (6') wide sidewalk, with the property line at the back of the sidewalk. Following this, the project would provide a four-foot (4') wide amenity zone. This four-foot (4') wide amenity zone would accommodate street tree plantings with concrete hardscape between the street trees. Followed by the four-foot (4') amenity zone, the project proposes parallel parking along Jibboom Street that is eight feet (8') in width, and a 12-foot travel lane along Jibboom Street. The applicant is conditioned to offer for dedication to the Town an easement for any portions of the frontage improvements that are outside of the Jibboom Street or High Street right-of-way.

The project will connect to existing storm drainage, water, and sewer lines in Jibboom Street. A joint utility trench in Jibboom Street will provide for electrical and natural gas and will maintain separation for all utilities.

The following is a detailed description of entitlements requested for the project:

- **Development Permit** for projects with 11 or more multi-family residential units, 5,000 square feet or more of floor area in the Downtown zoning districts, and/or 26,000 square feet or more of site disturbance;
- **Use Permit** for disturbance of slopes of 20 percent or greater;
- **Zoning Clearance** to permit "Retail, general merchandise" commercial space, a permitted use in the DMU zoning district;
- **Tentative Map** to reconfigure the existing parcel boundaries;
- **Historic Design Review** to grant a Certificate of Appropriateness for new construction within the Historic Preservation Overlay District and the proposed redesignation of a Category B ("Contributory") historic resource;

- **Sign Plan** to approve the proposed signage; and
- **Minor Use Permit** for four on-street parking spaces provided in the public right-of-way in compliance with Development Code Section 18.48.110.D (Downtown Parking).

In addition to the above land use entitlements, the applicant is requesting approval of a 50 percent density bonus to increase the number of residential units from 41 units permitted under base density to a total of 62 units, with 10 rental units in Building A deed restricted in the “low-income” affordable housing category. Density bonus is a California State law that allows a developer to seek greater density than allowed by the underlying zoning with the provision of additional housing affordability within the project. Through the density bonus concessions, waivers of a number of the Town’s development standards are requested, including the commercial depth and frontage requirements of the 2040 Downtown Truckee Plan (Policy LU-CC-4); the multi-family residential project requirements for common open space (Development Code Section 18.58.180.A.1 – Standards for Specific Land Uses, Multi-Family Residential Projects) and private exterior space (Development Code Section 18.58.180.A.2 – Standards for Specific Land Uses, Multi-Family Residential Projects); the bicycle parking requirements (Development Code Section 18.48.090 – Parking and Loading Standards, Bicycle Parking and Support Facilities); and a request to locate three transformers in bulb-outs which are located in the public right-of-way. The applicant is also pursuing the provision of 20 additional affordable housing units through the Deed Restriction for New Development Program, which is administered through the Sierra Business Council. No decision on this funding has been made at time of publication of this staff report.

Discussion/Analysis:

Background

SB 330 – Housing Accountability and Housing Crisis Act

The scope of this project review is limited based on the project being submitted under the provisions of Senate Bill 330 (SB 330 – Housing Accountability and Housing Crisis Act). SB 330 limits a local agency’s ability to deny housing development projects that comply with objective general plan, zoning and subdivision standards.

As defined in SB 330, a local agency is prohibited from “imposing or enforcing design standards established on or after January 1, 2020, that are not objective design standards.” An “objective design standard” is a “design standard that involves no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal of an application.” SB 330 is an effort to “meaningfully and effectively curb the capability of local governments to deny, reduce the density for, or render infeasible housing development projects.” (§65589.5(a)(2)(K).), and effectively prevents cities from denying projects based on discretionary design review. An agency may only deny a project if there is a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

While a project submitted pursuant to SB 330 is subject to objective design standards for the determination of an approval, the Historic Preservation Advisory Commission (HPAC) reviewed the project related to the Historic Design Guidelines. The HPAC made a recommendation to the Planning Commission that the Historic Design Review entitlement request not be approved because the project is inconsistent with the Town of Truckee’s Historic Design Guidelines. The HPAC could make this recommendation despite SB 330 constraining its purview to objective standards because the HPAC is an advisory body and the HPAC is not confined to objective standards (as the Historic Design Guidelines include numerous subjective guidelines). However, a project’s inconsistencies with Historic Design Guidelines would not constitute a basis for denial pursuant to SB 330.

Further, an SB 330 application is afforded other incentives, including the ability to apply zoning, design, and subdivision standards in effect at the time a Preliminary Application is deemed complete. The applicant submitted an SB 330 Preliminary Housing Development Application on August 7, 2023 (Town of Truckee Application #2023-00000108). Pursuant to SB 330, the Town of Truckee deemed the Preliminary Application complete on August 29, 2023, which locked in the zoning, design, subdivision and fee requirements that were in effect at that time for the duration of the entitlement process. Therefore, the Town of Truckee requirements that apply to the formal application include the 2040 General Plan and Downtown Truckee Plan adopted on May 9, 2023, and the Truckee Development Code in effect as of June 22, 2023. The Fee Schedule in effect in August 2023 will dictate which fees are incurred by the project.

Lastly, projects submitted pursuant to SB 330 are subject to a maximum number of hearings and specific findings for denial should an agency not approve the project. Projects submitted pursuant to SB 330 are afforded a maximum of five public hearings in which the public agency reviewing the project must decide to approve or deny the project. Due to this limitation on the number of hearings allowed, and the other hearings that are required for this project review, the Planning Commission review will need to be completed in one hearing as there have been other project-related hearings prior to the Commission's review. This means that the Commission does not have the option to continue the hearing to allow for the applicant to provide additional information or respond in a future hearing to questions or comments from the Commissioners.

The findings for denial of a project submitted pursuant to SB 330 are stringent. When a local agency proposes to disapprove a project, or to impose conditions that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

- The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, 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 they existed on the date the application was deemed complete.
- There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified above, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

State Density Bonus Law (SDBL)

California's Density Bonus Law (Gov. Code §§65915 – 65918) allows a developer to increase density over the otherwise maximum allowable gross residential density attributed to the site at the date of application. In exchange for the increased density, a certain number of the new dwelling units must be deed-restricted to affordable rents (Figure 5). Besides granting an increase in density, the SDBL *requires* local jurisdictions to grant incentives/concessions that provide cost reductions, waivers/reductions in development standards that would physically preclude the development of a project at the density permitted with the incentives granted, and a reduction of onsite parking requirements.

In reviewing a density bonus concession request, the review authority is required to grant a concession under Development Code Section 18.212.030 (Concessions and Incentives for Cost Reduction) unless the review authority makes one or more of the following findings based on substantial evidence:

1. The concession or incentive is not consistent with the applicable provisions of Section 65915 of the Government Code (Density Bonuses and Other Incentives).
2. The concession or incentive does not result in identifiable, financially sufficient, and/or actual cost reductions;

3. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units;
4. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households;
5. The concession or incentive would have an adverse impact on any real property that is listed in the California Register of Historical Resources;
6. The concession or incentive would be contrary to state or federal law.

The SDBL also restricts the information a jurisdiction can request to “prove” the incentive/concession meets the SDBL requirements. For example, a 2021 appellate court case, *Schreiber v. City of Los Angeles*, determined that a jurisdiction cannot require an applicant to submit a pro forma or other documentation to prove that a requested incentive/concession is required to reduce costs to make the housing development economically feasible. If a jurisdiction wants to deny an incentive/concession, the burden of proof lies with the jurisdiction, not the developer.

In reviewing a density bonus waiver or reduction request, the review authority is required to grant the waiver or reduction under Development Code Section 18.212.040 (Concessions and Incentives for Physical Development) unless the review authority makes one or more of the following findings based on substantial evidence:

1. The waiver or modification is not consistent with the applicable provisions of Section 65915 of the Government Code (Density Bonuses and Other Incentives);
2. The application of the development standard will not have the effect of physically precluding the construction of the proposed residential project at the densities or with the concessions or incentives permitted by this Chapter;
3. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units;
4. The waiver or modification would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households;
5. The waiver or modification would have an adverse impact on any real property that is listed in the California Register of Historical Resources;
6. The waiver or modification would be contrary to state or federal law.

Maximum parking requirements are also restricted by the SDBL. The SDBL prescribes special parking requirements for projects that provide 20% of housing for the low-income AMI and are within one half (0.5) mile of a major transit stop. Projects that meet these criteria are subject to a parking ratio of 0.5 spaces per unit.

The proposed project meets the criteria for a parking ratio of 0.5 spaces per residential unit. California Public Resources Code Section 21064.3 defines a major transit stop as any of the following:

- a. An existing rail or bus rapid transit station.
- b. A ferry terminal served by either a bus or rail transit service.
- c. The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

The Truckee Train Depot meets the criteria for an existing rail transit station because it is served by Amtrak, and the project is approximately one-quarter (0.25) miles to the train station. Additionally, the

project proposes dedicating 24% of its housing to the low-income AMI. Therefore, the project is subject to the special parking requirement of 0.5 spaces per unit. Pursuant to Assembly Bill 2097, a public agency is prohibited from imposing or enforcing any minimum automobile parking requirement on a residential, commercial or other development project located within one-half mile of a major transit stop. A discussion on how the SDBL is applied to this project application can be found in the Development Code Consistency section below.

Historic Resources Designation and Historic Design Review

Historic Resources Redesignation (HPAC Hearing and Town Council Hearing)

The Town Council adopted [Resolution No. 2024-053](#) on August 13, 2024, to re-designate the historic classification of the project site from a Category B (Contributing) resource to a Category D (Nonessential) resource. The Council's vote was 3-0 with two members absent. The adoption of Resolution No. 2024-053 was consistent with a recommendation made by the HPAC on July 10, 2024. At that hearing, HPAC recommended that the Town Council redesignate the historic classification of the project site from Category B to Category D.

The purpose of the requested redesignation is to allow the structure to be demolished as part of the proposed development project. The HPAC also considered the Historic Design Review of the project at the July 10, 2024 hearing. The Town Council and HPAC staff reports, including minutes and public comments, are included as Attachments 5 and 6, respectively.

The project site is located within Truckee's Historic Preservation Overlay District. When the Historic Resource Inventory was completed in 2003, the site was designated as a Category B ("Contributory") historic resource. At that time, the site included a single-story commercial building (constructed in the 1940s as a motel) and two ancillary buildings (identified in the inventory as garages). In 2015, the motel building and garage directly east of the motel were demolished following a determination by the Community Development Director that the structures posed an imminent life-safety hazard, in compliance with Development Code Chapter 18.83 (Demolition Review). Only the garage that was located north of the previous motel remains. Despite the demolition of the motel and one of the garages, the subject building remains as a Category B historic resource in the Historic Resource Inventory and required review by HPAC and subsequent approval by the Town Council to redesignate the property.

The Town retained Kautz Environmental Consultants to prepare a re-evaluation of the subject property and assess the historic significance of the remaining garage. Kautz provided the findings of its evaluation in a letter dated July 19, 2019, which is included as Attachment 6 to this staff report.

The Kautz letter concludes that the subject property does not contain the integrity or significance to be eligible for listing in the National Register of Historic Places (NRHP), nor does it contribute to the Truckee Historic National Register District (THNRD). The garage served the now-demolished Truckee Motel, which was associated with the development of Truckee's tourism industry during the rise of automobile travel. However, the demolition of the motel results in the garage suffering diminished integrity of setting, feeling and association. Accordingly, the garage does not possess the significance to be eligible for listing in the NRHP.

Historic significance is judged by applying the NRHP criteria, identified below as Criterion A through D. The NRHP guidelines state that a historic resource's "quality of significance in American history, architecture, archeology, engineering, and culture" must be determined by meeting at least one of the four main criteria:

Criterion A: Association with "events that have made a significant contribution to the broad patterns of our history"

Criterion B: Association with “the lives of persons significant in our past”

Criterion C: Resources “that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values”

Criterion D: Resources “that have yielded, or may be likely to yield, information important to history or prehistory”

The existing garage was found not to satisfy Criterion A through D. As stated, the garage served as an accessory structure for the demolished hotel that served the rise of the auto-oriented tourism industry. The site is no longer associated with past historical events because the demolition of the hotel severed ties with past events with the historical period of auto oriented tourism. Accordingly, the existing garage is not eligible under Criterion A. As Kautz states, the garage is not associated with a person in the past therefore it is not eligible under Criterion B. The garage is a simple wood-framed building which has experienced modifications, and does not possess distinctive characters of a type, period, or method of construction. Therefore, it is not eligible for listing under Criterion C. Lastly, the garage does not have potential for archaeological information, and is not eligible for listing under Criterion D. Therefore, the garage does not meet Criterion A through D for the NRHP.

With respect to the TNRHD classification, the Town of Truckee Municipal Code employees a ratings system as follows:

Category A: *Essential* - Buildings that are individually eligible for the NRHP and retain the highest degree of integrity.

Category B: *Contributing* - Buildings that have experienced some alteration, yet still retain a relatively high degree of integrity.

Category C: *Supporting* - Buildings that have experienced substantial alteration but retain their overall form and scale and have the potential to be restored.

Category D: *Nonessential* - Buildings that have been altered to such a degree that the historic information is no longer interpretable, and they no longer retain sufficient integrity to convey their significance.

While the subject property is rated as Category B, this rating is assigned because of the previously existing motel. The two ancillary buildings were included in this Category because of the motel. As the Kautz report notes, the remaining garage has experienced modifications affecting its integrity beyond the criteria necessary for documentation as a Category B rating. Category B ratings require "a relatively high degree of integrity" despite "some alteration." The subject property has experienced a significant degree of alteration, specifically the demolition of the parcel's principal building, resulting in diminished integrity of setting, feeling, and association. Considering the scale of modifications to the property, it no longer qualifies for a Category B (Contributory) rating under the Town of Truckee's Development Code.

The remaining building does not qualify for a Category C rating as well. A Category C rating is assigned to buildings that were constructed in the period of significance that have sustained substantial alterations. Examples of these alterations include, but are not limited to, the replacement of historic siding with modern materials, the enclosure of historic porches, and the remodeling of original windows and doors. While the alterations to the existing garage are not substantial, the demolition the motel, to which the garage is subordinate, has altered the overall historical significance of the property to such a degree that the garage no longer conveys historical significance. Further, the principal historical building on the

property does not possess the potential to be restored because it is demolished. The demolition of the hotel irreversibly altered and diminished the parcel's integrity to such an extent that its history as a motel with supporting accessory structures is no longer interpretable. The demolition severed the property's association with the historic themes of transportation and tourism in Truckee during the mid-twentieth century. Therefore, the remaining ancillary building no longer retains the integrity necessary to convey its significance.

The Development Code establishes the requirements for the demolition of a historic resource. Development Code Chapter 18.77 (Historic Design Review) outlines the process required for the issuance of a Certificate of Economic Hardship. This process applies to requests to remove, relocate, tear down, or demolish Category A, B, or C historic resources. The following findings are required to approve a Certificate of Economic Hardship:

- (1) The denial of the demolition request or the Certificate of Appropriateness for the proposed work, or compliance with any conditions of approval, will cause an immediate extreme hardship because of conditions peculiar to the particular structure or other feature involved.
- (2) The denial of the demolition request or Certificate of Appropriateness for the proposed work will deny the property owner all reasonable use of or return from the property; (In this context, personal, family, or financial difficulties, loss of prospective profits and neighboring violations are not justifiable hardships).
- (3) The denial of the demolition request or the Certificate of Appropriateness for the proposed work will diminish the value of the subject property so as to leave substantially no value.
- (4) Sale or rental of the property is impractical, when compared to the cost of holding such property for uses permitted in this zone.
- (5) An adaptive reuse study has been conducted and found that utilization of the property for lawful purposes is prohibited or impractical.
- (6) Rental at a reasonable rate of return is not feasible.
- (7) The denial of the demolition request or the Certificate of Appropriateness for the proposed work would damage the owner of the property unreasonably in comparison to the benefit conferred on the community.
- (8) All means involving Town-sponsored incentives, such as transfer of development rights, tax abatements, financial assistance, building code modifications, changes in the zoning ordinance, loans, grants and reimbursements, have been explored to relieve possible economic disincentives.
- (9) In the case of a proposed demolition, the designated resource cannot be remodeled or rehabilitated in a manner which would allow a reasonable use of or return from the property to the property owner.

Demolition Review (Chapter 18.83) establishes procedures and criteria for the review of demolition requests to historic resources to implement the requirements of the –HP District and the goals and policies of the Historic Resources Element of the Downtown Truckee Plan. For a Category A or B historic resource, the review authority may grant Demolition Review approval only if one of the following findings can be made:

- (1) The findings for a Certificate of Economic Hardship can be made and a Certificate of Economic Hardship is granted; or

- (2) In conjunction with the findings for a land use permit for a replacement structure or use, the historic resource must be removed from the site in order for the property to be utilized for a public structure or use which substantially benefits the public.

The Town's Demolition Review requirements apply to historic properties with a Category A, B or C rating. This means that the Town Council's redesignation of the property as a Category D resource, will no longer be considered historic, and it will not be subject to the Demolition Review requirements. The process to demolish a Category D structure involves the applicant obtaining a building permit for the demolition.

Historic Design Review

The HPAC evaluated the Historic Design Review of the project at the July 10, 2024 hearing. Development Code Section 18.26.010 directs HPAC to apply the Historic Preservation Overlay District Design Guidelines in Volume III of the Downtown Truckee Plan when evaluating projects. These Guidelines are also intended to assist property owners and project designers in understanding the Town's goals for attaining high-quality development that is sensitive to and compatible with the historic character of the Downtown area. The HPAC evaluated the project for consistency with the guidelines for New Construction in Chapter 13 and guidelines for the Commercial District Character Area in Chapter 15.

Chapter 13 (General Guidelines for New Construction) of the Historic Design Guidelines provides design guidelines for all new buildings in downtown Truckee to assist property owners in designing infill structures that are compatible with the existing downtown infrastructure. The basic principles for new construction relate to respecting the historic design character, setbacks, building alignment, scale and lot patterns. These guidelines are in addition to the guidelines that are provided for individual character areas, each of which reflect differences in historical development and existing features that contribute to the unique visual characteristics of each area.

Chapter 15 of the Historic Design Guidelines provide design guidelines for the Commercial District Character Area. These include design guidelines for new buildings and specific guidelines that apply to Jibboom Street.

The HPAC voted unanimously (3-0) recommending denial of the Historic Design Review entitlement request at the July 10, 2024, hearing. The HPAC determined that the project was inconsistent with the Historic Design Guidelines. During deliberations, the HPAC was supportive of the design of Building A and B, noting the scale, architecture, materials, and colors were consistent with the Historic Design Guidelines. However, the HPAC was less supportive of Building C and not supportive of Building D, noting that the scale and intensity of development in these buildings was not in character with the area. Further, the HPAC noted that the architectural design of Buildings C and D was inconsistent with the historic design intent of the area. A detailed analysis of the project with respect to the Historic Design Guidelines is contained in the July 10, 2024, HPAC staff report and meeting minutes included in Attachment 6. These documents provide further information regarding the inconsistencies the HPAC found with the project as it relates to the Historic Design Guidelines.

Although any action by the Planning Commission to approve or deny the project entitlements is subject to the requirements of SB 330 and must be based on objective standards rather than subjective guidelines, HPAC's responsibility was to review the project for consistency with the Town's Historic Design Guidelines and provide a recommendation to the review authority on whether the project is consistent with the guidelines. The feedback from the HPAC will assist the Planning Commission in its overall review of the proposed project, even though a lack of consistency with the Historic Design Guidelines would not be a basis for denial of the project under SB 330.

Land Use Approvals

The DMU zoning district is applied to areas in the Downtown Study Area appropriate for a combination of retail sales, offices, services, lodging and residential land uses. The development standards and permit requirements of the DMU district are intended to create a pedestrian-oriented mixed-use environment. There is no maximum floor area ratio. The maximum density for residential development is 24 dwelling units per acre.

Development Permit

“Multi-family dwellings, 11 and more units” are allowed within the DMU zoning district with approval of a Development Permit, as identified in Development Code Table 2-8 (Allowed Uses and Permit Requirements for Residential Zoning Districts). “Retail, general merchandise” commercial space is a permitted use pursuant to Table 2-8 (Allowed Uses and Permit Requirements for Residential Zoning Districts) in the Development Code. Development Permit approval is required for projects with more than 5,000 square feet of floor area and greater than 26,000 square feet of site disturbance. A Development Permit is a discretionary land use permit, as identified in Development Code Chapter 18.74 (Development Permits). In evaluating a Development Permit request, the review process begins with the recognition that the proposed use/construction is allowed in the zoning district and focuses on issues related to site layout and design to arrive at the best utilization of the site and compatibility of the design with surrounding properties. The Planning Commission is the review authority for Development Permits. The Planning Commission may approve a Development Permit, with or without conditions, only if all the required findings can be made, with respect to provisions afforded the project under SB 330 and SDBL. (Findings – Attachment 1).

Use Permit and Minor Use Permit

Pursuant to Development Code Section 18.36.020.C (Hillside Development Standards – Applicability) hillside developments, including roads, streets and driveways, proposed on slopes of 20 percent or greater shall be subject to the approval of a Use Permit in compliance with Chapter 18.76 (Use Permits and Minor Use Permits) and in compliance with the criteria set forth in Section 18.36.060 (Hillside Development Standards – Criteria for Use Permit Approval). Section 18.36.060 provides the criteria for the Planning Commission to evaluate when considering the Use Permit, which is as follows:

- The preservation of natural topographic features and appearances by means of landform grading to blend constructed slopes;
- Preservation of major topographic features identified in the Community Character Element of the General Plan;
- Prominent landmark features - significant rock outcroppings, prominent trees and woodlands, and other areas of special natural beauty are preserved and enhanced;
- Use of varying setbacks, building heights, foundation designs and compatible building forms, materials and colors serve to blend buildings into the terrain;
- Sites and buildings are clustered on more gently sloping terrain to reduce grading alterations on steeper slopes;
- Buildings are designed, located, and arranged to avoid a continuous intrusive skyline effect and which afford view privacy and protection;
- 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;
- Streets and improvements are designed to minimize grading alterations and harmonize with the natural contours and character of the hillsides;
- Project 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.

The applicant proposes 11 parking spaces along Jibboom Street. Pursuant to Development Code Section 18.48.110 (Downtown Parking), Subsection D, a Minor Use Permit is required. This is required because the applicant is proposing the use of the Town's Right-of-Way (i.e. public lands) to provide parking for a private development project. However, pursuant to Development Code Section 18.48.110.D.2 (Downtown Parking) on street parking is only permitted to count towards meeting an on-site parking requirement where "on street parking does not currently exist or the condition of the parking is substantially below Town standards." Further, Development Code Section 18.48.110.D.5 states that one on street parking space is the equivalent of 0.75 on-site parking spaces. Seven (7) of the parking spaces fronting the project already exist and improved to Town standards, leaving four (4) parking spaces remaining to count towards the project total. When the 0.75 reduction is applied, three (3) parking spaces count towards meeting the project's parking requirement.

The Planning Commission is the review authority for Use Permits and the Zoning Administrator is the review authority for Minor Use Permits. Pursuant to Development Code Section 18.70.020 (Applications, Processing, and Fees – Authority for Land Use and Zoning Decisions), when a single project incorporates different land uses or features so that this Development Code requires multiple land use permit applications, an applicant submits multiple land use permit applications for a project, and/or the project involves a land use permit application and a Tentative Map, all the applications shall be reviewed and approved or denied, concurrently by the highest level review authority assigned by Table 4-1 to any of the required applications. The Planning Commission may approve a Use Permit and Minor Use Permit with or without conditions, only if all the required findings can be made, with respect to provisions afforded the project under SB 330 and SDBL (Findings – Attachment 1).

Zoning Clearance

While the "retail, general merchandise" land use is a permitted use in the DMU Zoning District, a Zoning Clearance is required for non-residential projects and a change in land use pursuant to Development Code Section 18.72.020.A.2 (Zoning Clearance – Applicability). The Planning Commission would consider a project's consistency with the General Plan, Development Code, compliance with the California Environmental Quality Act, adequate provisions for public and emergency vehicle access, fire protection, sanitation, and the site being suitable for the type and intensity of development being proposed, with respect to provisions afforded the project under SB 330 and SDBL.

Normally, the Community Development Director is the review authority for Zoning Clearances. However, pursuant to Development Code Section 18.70.020 (Applications, Processing, and Fees – Authority for Land Use and Zoning Decisions), when a single project incorporates different land uses or features so that this Development Code requires multiple land use permit applications, an applicant submits multiple land use permit applications for a project, and/or the project involves a land use permit application and a Tentative Map, all the applications shall be reviewed and approved or denied, concurrently by the highest level review authority assigned by Table 4-1 to any of the required applications. The Planning Commission may approve a Zoning Clearance, with or without conditions, only if all the required findings can be made (Findings – Attachment 1).

Tentative Parcel Map

Pursuant to Development Code Section 18.90.030 (Subdivision Map Approval Requirements – Applicability), any subdivision or resubdivision of land shall require the filing and approval of a Tentative Map. The project includes the reconfiguration and subdivision of the underlying parcels and a condominium map, thereby requiring a Tentative Parcel Map. The findings shall apply to each proposed parcel as well as the entire subdivision, including any parcel identified as a designated remainder in compliance with Government Code Section 66424.6. The Planning Commission may approve a Tentative Parcel Map, with or without conditions, only if all the required findings can be made (Findings – Attachment 1).

Historic Design Review

A Historic Design Review Permit is a discretionary land use permit, as identified in Development Code Chapter 18.77 (Historic Design Review). In conducting an Historic Design Review for a particular project, the review authority shall consider the location, design, site plan configuration and the overall effect of the proposed project upon surrounding properties and the Downtown Study Area in general. Historic Design Review shall be conducted by comparing the proposed project to applicable General Plan policies, the Downtown Specific Plan, adopted development standards, Historic Design Guidelines and other applicable ordinances and policies of the Town. However, given that this project was submitted pursuant to the provisions of the Housing Accountability Act and Housing Crisis Act, otherwise known as SB 330, the project is only subject to the objective standards in the General Plan, Downtown Truckee Plan, Historic Design Guidelines, and objective standards in the Development Code.

The Planning Commission is the review authority for the Historic Design Review, which should the Commission vote for approval would involve granting a Certificate of Appropriateness. The Planning Commission may approve a Certificate of Appropriateness, with or without conditions, only if all the required findings can be made (Findings – Attachment 1).

Sign Plan

Pursuant to Development Code Section 18.54.030.A (Signs – Sign Plan Review Requirements), Sign Plan review shall be initiated when a completed application is submitted to the Community Development Department. Approval of a Sign Plan shall be required for all new projects. For all projects that require a discretionary land use permit, submittal and review of a Sign Plan application concurrent with the primary land use application is encouraged to ensure thoughtful incorporation of sign design and sign locations in the overall design. The Planning Commission may approve a Sign Plan, with or without conditions, only if all the required findings can be made (Findings – Attachment 1).

General Plan Consistency

The General Plan land use designation for the site is Plan Area. The Plan Area designation is applied to properties for which a specific or master plan has been prepared. While the specific or master plan would govern land use on these properties, projects remain subject to the goals and policies of the Town of Truckee 2040 General Plan.

The 2040 Truckee Downtown Plan designates the land use for the site as Downtown Mixed-Use (DMU). The Downtown Plan intends the DMU land use designation to be applied to areas appropriate for a mix of commercial, office, lodging, and residential uses. In areas of existing mixed-use development, such as in the Downtown Commercial Core, a mix of uses is encouraged. In mixed-use areas, densities of between 12-24 units per acre and no maximum floor area ratio (FAR) applies.

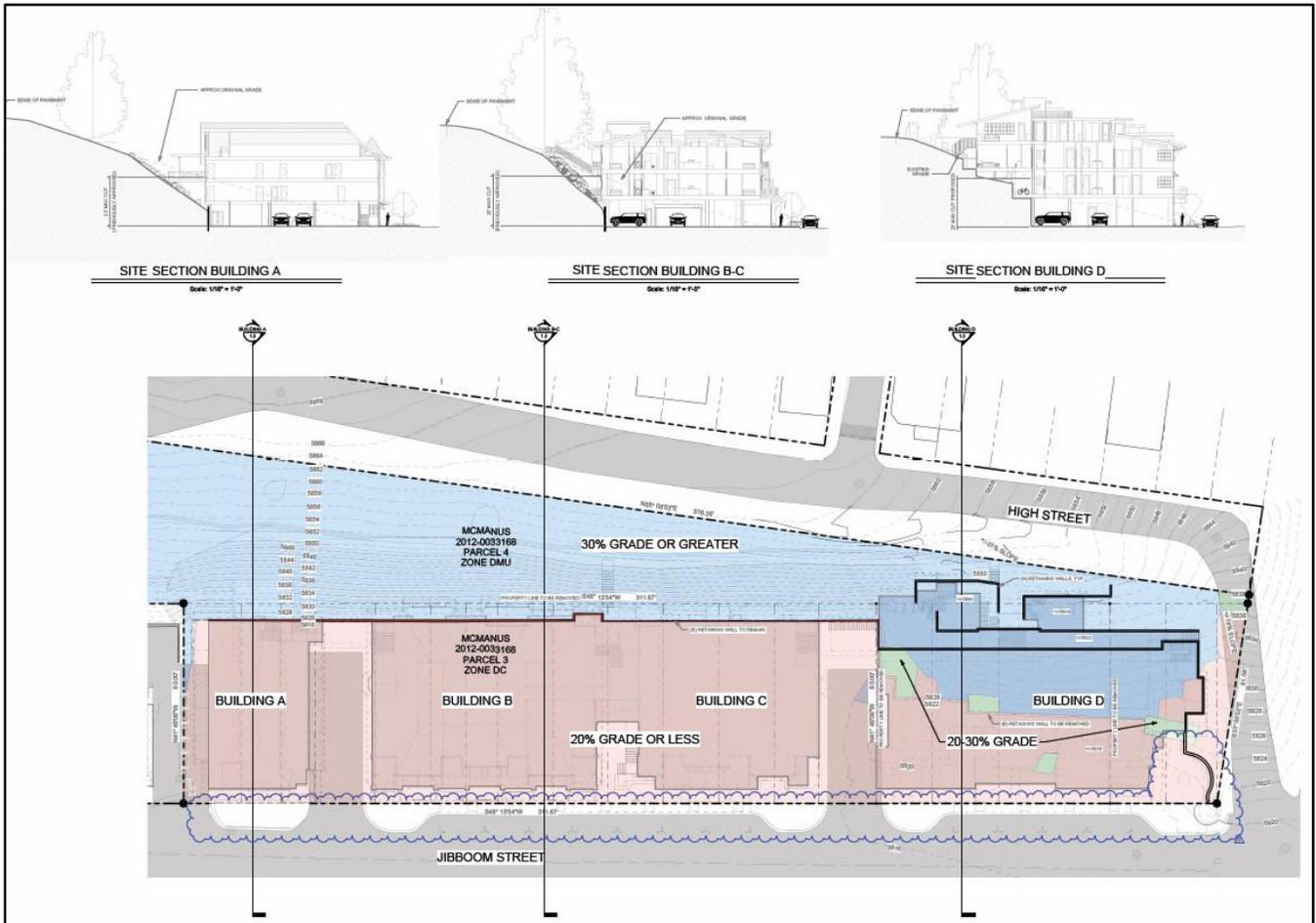
The project is generally consistent with objective goals and policies in the Town of Truckee 2040 General Plan. A detailed analysis of the project's consistency with all applicable goals and policies of the 2040 General Plan is included in Attachment 2. However, the Planning Commission will need to consider the project's consistency with General Plan Policy COS – 5.1, which states the following:

Policy COS – 5.1: Continue to preserve slopes of 30 percent or greater as open space and avoid slopes of 20 percent to 30 percent if there are other, more suitable areas for development with slopes less than 20 percent.

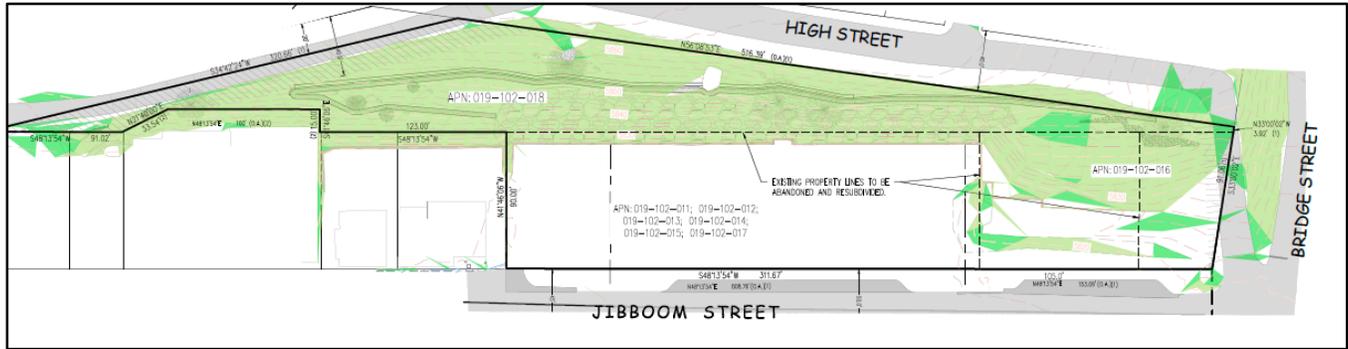
Analysis: The policy provides some flexibility with respect to development on slopes more than 20% as it seeks to avoid those slopes only if there are more suitable areas for development with slopes less than 20%. The project has located development on slopes less than 20%. Buildings

A through C would be located on slopes 20% grade or less, preserving the hillside adjacent to High Street. Further, the project as conditioned, would remove a trail on the parcel fronting High Street, thereby alleviating grading on slopes exceeding 20% grade. However, approximately the rear half of Building D would involve cutting and grading on slopes exceeding 20% grade as shown in Figure 6 – Grade Analysis below. The policy appears to permit this proposal as the project site does not afford a more suitable location with slopes less than 20% for Building D. Alternatively, the project would need to eliminate or substantially reduce the size of Building D to avoid all development on slopes exceeding 20% grade. The findings necessary for development on slopes exceeding a 20% grade are further explained in the Development Code analysis below. However, the density of the project could remain but would need to be shifted off the areas of the site with slopes exceeding 20%.

Figures 6 – Grade / Slope Disturbance Areas



Figures 6 Continued – Grade / Slope Disturbance Areas



LEGEND

- — — — — PROPERTY LINE
- - - - - EXISTING PROPERTY LINE TO BE ABANDONED
- SLOPES 20% - 30%
- SLOPES 30% +

Staff required technical studies for an Air Quality and Health Risk Assessment, and a Noise Assessment to determine consistency with applicable objective policies in the Town of Truckee 2040 General Plan. These policies, a summary of the studies’ results, and conclusion about the project’s consistency with the policies are provided below:

Policy COS – 8.7: Health Risk Assessments for Siting New Receptors – Require developers of projects that would locate sensitive receptors (e.g., residences, schools, healthcare facilities) within 500 feet of Interstate 80 and 1,000 feet of the railway, consistent with the California Air Resources Board’s buffer recommendations, to prepare a health risk assessment to determine the significance of the impact, and to incorporate project-specific mitigations to minimize or avoid this risk.

Policy COS – 8.10: Emission Standards for Diesel-Powered Off-Road Equipment – Require any discretionary development project that would generate construction-related emissions at a level that exceeds NSAQMD thresholds to use off-road construction equipment that meets EPA Tier 4 emission standards (as defined in 40 CFR 1039) and to comply with the appropriate test procedures and provisions as contained in 40 CFR Parts 1065 and 1068. Tier 3 models can be used if a Tier 4 version of the equipment type is not yet produced by manufacturers or is demonstrated to the satisfaction of the Town to be otherwise unavailable. Alternatively, battery-electric off-road equipment may be used as it becomes available. Project applicants must submit a report or project improvement plan to the Town outlining a plan to fulfill this requirement prior to the use of any off-road, diesel-powered construction equipment.

Analysis: The project is located approximately 440 feet from the Union Pacific railroad tracks. Accordingly, staff requested a Health Risk Assessment and Air Quality analysis to determine consistency with General Plan Policies COS – 8.7 and 8.10. The applicant prepared, and Planning Division staff reviewed, an Air Quality Assessment – comprised of the required Health Risk Assessment and Air Quality analysis – for the proposed Residences at Jibboom project. In summary, the Air Quality Assessment demonstrated conformance with both General Plan policies. Health risk exposure from diesel PM and PM2.5 concentrations associated with the nearby railroad were modeled at the proposed project site and found to be below all applicable health-based thresholds. The project site would not be exposed to substantial pollutant concentrations from the nearby railroad. Project-generated construction emissions were modeled

and evaluated pursuant to the Northern Sierra Air Quality Management District thresholds of significance. The results did not exceed Level B or Level C thresholds. Therefore, the project would not result in a significant air quality impact requiring further environmental review nor mitigation. Based on the analysis conducted, the project is consistent with both General Plan policies. The full assessment is included as Attachment 7 to this staff report.

Policy SN – 8.1 Noise Compatibility Standards: Require new development to ensure the noise compatibility standards shown in Table SN-1 are met, using existing noise data (e.g., roadway noise contour map, available documentation) or a project-specific noise analysis/acoustical study. Require all feasible noise reduction measures identified in the study to be incorporated into the project.

Policy SN – 8.3 Location of Noise-Sensitive Receptors: Discourage location of noise-sensitive uses (such as senior living, hospital, churches, daycare centers, residences) in locations with noise exposure exceeded “normally acceptable” levels. If relocation is infeasible, require all feasible noise reduction measures identified by a noise analysis/acoustical study.

Policy SN – 8.5 Insulation Standards for Interior Noise: Enforce the California Title 24 Noise Insulation Standards for interior noise levels attributable to exterior sources for all new residential uses to ensure interior noise levels for residential uses do not exceed a community noise equivalent level of 45 decibels.

Policy SN – 8.13 Construction Hours: Continue to restrict construction hours in Truckee to reduce impacts to adjacent existing noise-sensitive uses.

Policy SN – 8.14 Construction Noise Control Measures: Require the following standard construction noise control measures to be included as requirements at construction sites in order to minimize construction noise impacts:

- Equip all internal combustion engine–driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment;
- Locate stationary noise generating equipment as far as possible from noise-sensitive uses when noise-sensitive uses adjoin or are near a construction project area;
- Use “quiet” air compressors and other stationary noise-generating equipment where appropriate technology exists; and
- Require the project sponsor to designate a “disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler) and will require that reasonable measures warranted to correct the problem be implemented. The project sponsor shall also post a telephone number for excessive noise complaints in conspicuous locations in the vicinity of the project site and send a notice to neighbors in the project vicinity with information on the construction schedule and the telephone number for noise complaints.

Policy SN – 8.16 Airport Land Use Compatibility: When considering new development proposals in the vicinity of Truckee Tahoe Airport, enforce the noise compatibility criteria and policies set forth in the adopted Tahoe Airport Land Use Compatibility Plan.

Analysis: The applicant prepared, and Planning Division staff reviewed, a Noise Assessment for the proposed Residences at Jibboom project. The proposed project is consistent with the above policies of the Town of Truckee 2040 General Plan with respect to noise. Table SN-1: Land Use Compatibility Standards for Community Noise Environment establishes an exterior noise level of up to 65 dBA CNEL as “normally acceptable” between 65 dBA CNEL and 70 dBA as “conditionally

acceptable” for multi-family projects. Existing noise levels near the project site are 63.5 dBA CNEL; thus, the project would be within the “normally acceptable” range. The project would be consistent with Table SN-1 of the Town of Truckee 2040 General Plan. Applying standard noise level reduction rates per the Tahoe Truckee Airport Land Use Compatibility Plan (ALUCP) of 20 dBA CNEL, interior noise levels at the new residential land uses would not exceed the interior noise limit of 45 dBA CNEL (i.e., 63.5 dBA – 20 dBA = 43.5 dBA). In addition, the project site is located outside of the mapped noise contours in the Tahoe Truckee ALUCP and, therefore, is not subject to any special provisions relating to noise afforded under the ALUCP. Further, the project would be consistent with all applicable noise policies contained in the Town of Truckee 2040 General Plan as further described in Attachment 2, 2040 General Plan analysis. The full assessment is included as Attachment 8 to this staff report.

Policies SN – 8.13 and SN – 8.14 will be included as conditions of approval for the project, which will minimize neighbor disturbance during project construction.

2040 Downtown Plan

The 2040 Downtown Plan anticipated mixed-use development in the Downtown Commercial Core. The Downtown Plan planned for 106 additional multi-family residential units and 35,559 sf. of commercial space in the Downtown Commercial Core. Given the project’s consistency with the land use intensity anticipated in the Downtown Plan, the proposed project would be consistent with the planned growth for the Downtown Commercial Core, and therefore Downtown Truckee. The Downtown Plan does not identify street alterations that would be required along the project’s frontages of Jibboom and High Street. However, the Plan does identify proposed sidewalk improvements along Jibboom Street, which the project would implement. Jibboom Street is identified in the Downtown Plan as a Class 3 bike route. Class 3 bike routes are those where bicycles share the travel way with cars without designated bike lanes. The Town would be responsible for pavement markings to accommodate this bicycle route. Figure 3-6 of the Downtown Plan identifies planning on-street parking along the project frontage of Jibboom Street. The project’s four (4) parallel parking spaces along the Jibboom frontage of Building D is consistent with this requirement. Therefore, the proposed project is consistent with the anticipated growth, land use intensities, and public improvements in the 2040 Downtown Truckee Plan.

As the project is an SB 330 application, only objective standards are applicable to the project. However, the project implements the following policies from the 2040 Downtown Truckee Plan, and where noted, requests a waiver from those policies:

- LU-CC-2: Prioritize improvements that emphasize pedestrians over cars in the Downtown Commercial Core subarea.
- LU-CC-4: Parcels in the Downtown Mixed- Use designation with frontages on Donner Pass Road, Jibboom Street, and West River Street shall be required to have commercial uses on the ground floor.
 - For projects with a property frontage of 100 linear feet or greater, a minimum of 75% of the property frontage is required to have commercial uses on the ground floor.
 - The minimum depth of the commercial uses, measured from the building frontage, shall be 30 feet.
 - *A SDBL waiver is requested for this development standard.*
- M-P-2: Sidewalks widths may range from 6 to 12 feet or wider, depending on site conditions. Wider sidewalks shall be constructed in areas with a high volume of pedestrian traffic.
- P-6: New development and expansion or use conversion of existing development will be subject to the parking requirements contained in the Development Code, including for shared and off-site parking.
 - *The project is subject to the parking requirements afforded projects under SDBL and AB 2097.*

- PR-G-2: At each Downtown gateway, consider incorporating an art piece that reflects an important component of Truckee’s history and/or reflects the area’s sense of place.
 - *The project includes a public art piece near the gateway area identified in the Downtown Plan at Bridge Street and High Street.*
- HR-S-3: In those cases where the potential for archaeological or historic resources on the site cannot be determined prior to project approval (e.g. a project involving demolition of a structure and construction of a new structure), a qualified archaeologist shall be present on-site during all excavation activity, including preliminary soil investigations and trenching for foundations, utilities, and grading. If items of historic or archaeological value are uncovered, work in the area of the discovery shall be halted for a time period reasonable for the Town and archaeologist to analyze and assess the significance of the items. If necessary, a mitigation plan to preserve or recover them shall be prepared by the archaeologist. The archaeologist shall submit a report to the Community Development Department describing the findings.
 - *Policy HR-S-3 will be required as a project condition of approval.*
- HR-P-10: Allow flexibility in land use regulations, such as reduced parking standards, reduced setbacks, non-conforming structure requirements, and residential density bonuses for additions or changes of use to historic resources implementing the DTP.

Development Code Consistency

The Town of Truckee has zoned the project site as DMU. The DMU zoning district is applied to areas in the Downtown appropriate for a combination of retail sales, offices, services, lodging and residential land uses. The development standards and permit requirements of the DMU district are intended to create a pedestrian-oriented mixed-use environment. There is no maximum FAR. The maximum density for residential development is 24 dwelling units per acre. The DMU zoning district is consistent with the Mixed-Use land use classification of the Downtown Specific Plan.

The project was submitted under SB 330 provisions. Senate Bill 330 applications are afforded the ability to apply zoning, design, and subdivision standards in effect at the time a Preliminary Application is deemed complete. The applicant submitted an SB 330 Preliminary Housing Development Application on August 7, 2023 (Town of Truckee Application #2023-00000108). Pursuant to SB 330, the Town of Truckee deemed the Preliminary Application complete on August 29, 2023, which locked in the zoning, design, subdivision and fee requirements that were in effect at that time for the duration of the entitlement process. Therefore, the Town of Truckee requirements that apply to the formal application include the 2040 General Plan and Downtown Truckee Plan adopted on May 9, 2023, and the Truckee Development Code in effect as of June 22, 2023.

The project has been analyzed pursuant to the June 2023 Development Code, and the project demonstrates consistency with the objective standards of the Development Code, apart for those items for which the applicant has requested a waiver pursuant to State Density Bonus Law. Items for which a waiver of development standards are requested are discussed below in this section. A summary of key objective development standards and an analysis of the project relative to those standards is provided in Table 3.

Table 3 – DMU Development Code (June 2023) Consistency Matrix

Development Standard	Requirement in DMU Zoning District	Complies?
Front and Street-Side Setbacks	Edge of the existing or future sidewalk improvement as determined by the Town Engineer.	Yes Front – 6’ East Side – 18’
Side and Rear Setbacks	None required.	Yes West Side – 5’ Rear (min) – 11’

Development Standard	Requirement in DMU Zoning District	Complies?
Floor Area Ratio	No maximum.	Yes 1.23, counting commercial and residential floor area (89,312 / 72,745)
Site Coverage	No maximum.	Yes 50%
Height Limit	50 ft. or 3½ stories, whichever is less.	Yes Building A – 42'-8" Building B-C – 43' Building D – 42' – 7" from average natural grade as provided in Section 18.30.090.B.1 of the 2023 Development Code
Ground vibration	Development Code Section 18.12.080.C No approved land use shall generate ground vibration perceptible without instruments at any point along or outside of the property line of the use, except for motor vehicle operations.	Yes, The proposed project is a mixed-use project comprised of residential and commercial uses. Accordingly, these uses are not associated with, nor would they generate ground borne vibrations.
Landscaping	As required by Chapter 18.40 (Landscape Standards).	Yes, project is consistent with Landscape Development Standards
	18.40.040.A.1: Setbacks. All front yard setback areas and side yard setback space areas required by this Development Code shall be landscaped, except where a required setback is occupied by a drainage facility, structure, parking space, sidewalk or driveway, or where a required setback is screened from public view, and it is determined by the Director that landscaping is not necessary to fulfill the purposes of this Chapter.	Yes, All setbacks are landscaped
	18.40.040.A.2: Disturbed areas. All disturbed areas of a project site not intended for a specific use, including pad sites in shopping centers held for future development, shall be landscaped with trees, shrubs, herbaceous plants and groundcover. Native plants adapted to the specific microclimate are preferred. However, well-adapted, non-invasive, plants may be considered appropriate for use. Trees and shrubs shall be provided at a rate of one tree and four shrubs for every 100 square feet of landscaped area or fraction thereof. Disturbed areas include areas on the project site that are not associated with the project but were disturbed by previous grading activities, structures and/or substantial removal of vegetation on the site.	Yes, All disturbed areas are landscaped
Chapter 18.40.040.C: Street buffer landscaping. A minimum five-foot-wide landscape strip shall be provided along all street frontages. Shrub heights shall not impair sight distance. Trees shall be provided at a rate of one for every 20 linear feet of street frontage or fraction thereof. Shrubs shall be provided at a rate of one for every five linear feet of street frontage or fraction thereof. Trees and shrubs need not be planted in a linear, spaced manner, but may be grouped together where appropriate to create a superior landscape design. Plant material shall be chosen and designed to tolerate expected snow storage loads and potential exposure to road salts and sands during the winter season. Use of boulders may be considered to protect from snow removal equipment and storage. Landscaping may be allowed within the street right-	Yes, With provisions of a waiver for the five-foot street frontage landscape requirement and street tree planting requirement along High Street pursuant to State Density Bonus Law; Street trees are provided at 20 ft. on center along Jibboom Street. With approval of the waiver request for street tree planting and landscaping buffer along High Street, the project is consistent with this development standard.	

Development Standard	Requirement in DMU Zoning District	Complies?
	<p>of-way and snow storage easements where approved by the Town Engineer.</p> <hr/> <p>Chapter 18.40.050.B.1 – Plant Materials</p> <p>Plant materials. Plant materials shall be selected and installed in compliance with the following requirements:</p> <p>A mix of plant materials shall be provided in compliance with Table 3-5. Calculations documenting the required mix shall be shown on the landscape plan.</p> <p>18.40.050.C. and D – water conservations requirements</p> <hr/> <p>Chapter 18.40.060.A.1.b. New construction projects with an aggregate landscape area equal to or greater than 500 square feet but less than 2,500 square feet that do not meet the prescriptive requirements identified in Worksheet C requiring a building or grading permit, plan check, or design review;</p> <hr/> <p>Chapter 18.42.070.I.1: Mulching should be used to finish landscaping, control weed growth, condition the soil, and moisture retention. Mulch installation should meet the following criteria:</p> <ul style="list-style-type: none"> o 1. Minimum 2" of mulch. 	<p>Yes,</p> <p>Landscape plan sheet page 1.4 demonstrates that project provides 20% of trees as 24-inch box, 80% as 15-gallon size trees, 70% of shrubs as #5 and 30% as #1, and compliance with plant and coverage requirements in two years</p> <p>The landscape architect has certified that landscaping is comprised of drought tolerant, indigenous plants</p> <p>Consistent with Note 10 on Sheet 1.4, landscaped areas will be supported by a permanent, automatic water-efficient irrigation system consistent with Development Code</p> <hr/> <p>Yes,</p> <p>The project meets the prescriptive requirements and has submitted Worksheet C – Prescriptive Compliance Option Worksheet (for landscape areas greater than 500 sf. but less than 2,500 sf.) Total landscaped area is 2,064 sf.</p> <hr/> <p>Yes,</p> <p>As noted on Sheet 1.4, project includes 3-inches of mulch</p>
Outdoor Activities	All sales, displays and storage shall be conducted within an enclosed building, unless outdoor activities are approved in compliance with 18.58.190 (Outdoor Display and Sales Standards) and 18.58.200 (Outdoor Storage and Work Areas).	Yes, Outdoor sales, displays, and storage would be regulated at future date through a temporary use permit or prohibited.
Odor	Development Code Section 18.12.080 No approved land use shall generate or emit any obnoxious odor or fumes perceptible at the property line.	Yes, The proposed project is a mixed-use project comprised of residential and commercial uses. Accordingly, these uses are not associated with odors. Future commercial tenants would be subject to building permit review that ensures proper venting and minimization of odor producing business.
Parking and Loading	As required by Chapter 18.48 (Parking and Loading Standards).	Yes, pursuant to the provisions of parking requirements under State Density Bonus Law and AB 2097
Signs	As required by Chapter 18.54 (Signs).	Yes, See discussion below
Snow Storage	Development Code Section 18.30.130 Requires an area equal to 50% of paved driveways for snow storage	Yes 115% of paved driveway area provided with the project's proposed use of hydronic driveways
Access	Development Code Section 18.30.020 General standard. Every structure and land use shall be provided adequate physical and legal	Yes, The project affords physical and legal access to a public street, via three separate driveways with two driveways measuring 25

Development Standard	Requirement in DMU Zoning District	Complies?
	access to a public street in the form of frontage upon the street, or permanent means of access to a public street by way of a public or private easement, or recorded (mutual) access agreement, as determined by the Director.	ft, and one 28 ft. in width, pending recordation of a mutual access easement on 10102 Jibboom Street as conditioned. The project is conditioned to record the access easement on the adjoining property prior to grading permit and/or issuance of building permit.
Air Emissions	<p>Development Code Section 18.12.080.A</p> <p>No approved land use shall generate or cause any visible dust, gasses or smoke to be emitted into the atmosphere, except in accordance with the air quality regulations of the Northern Sierra Air Quality Management District and the California Air Resources Board or for the operation of motor vehicles on the site.</p> <p>Development Code Section 18.30.030</p> <p>Requires dust suppression plan for all projects with a grading permit; scheduling of grading activities; operation restrictions during high winds, dust control measures, street encroachments, revegetation, fencing, and other measures.</p>	<p>Yes,</p> <p>The project will be conditioned to provide a dust suppression plan, scheduling of grading activities, minimizing the area of disturbance, implementing dust control measures, fencing, and revegetating areas as soon as possible after construction consistent with Development Code Section 18.30.030</p>
Archeological / Cultural Resources	<p>Development Code Section 18.30.040</p> <p>Requires construction activities to cease if archaeological and/or cultural resources are found during construction and measures to implement if archaeological and/or cultural resources are found</p>	<p>Yes,</p> <p>As conditioned. Consistent with the Downtown Truckee Plan, Policy HR-S-3, the project will be conditioned to provide a qualified archaeologist present on-site during all excavation activity, including preliminary soil investigations and trenching for foundations, utilities, and grading. If items of historic or archaeological value are uncovered, work in the area of the discovery shall be halted for a time period reasonable for the Town and archaeologist to analyze and assess the significance of the items. If necessary, a mitigation plan to preserve or recover them shall be prepared by the archaeologist. The archaeologist shall submit a report to the Community Development Department describing the findings.</p>
Sewage, Drainage, and Stormwater Runoff	<p>Development Code Section 18.12.080.E</p> <p>No land use shall be approved with on-site sewage disposal. Connection to sewer shall be required. Any new land use established on a site must provide access to onsite restrooms that are connected to the sewer system. Uses that utilize a septic system, portable toilets or offsite restrooms for a permanent land use shall be prohibited.</p> <p>Development Code Section 18.30.050</p> <p>All applications for Zoning Clearance, Development Permit, Minor Use Permit or Use Permit shall include drainage and erosion control plans and be designed and constructed to provide facilities for the proper conveyance, treatment and disposal of storm water in compliance with this Section.</p>	<p>Yes,</p> <p>The project would connect to existing sewer lines in Jibboom Street. The project was routed to Truckee Sanitary District, and conditions are included to improve sewer facilities. The District did not indicate that the project would have an adverse effect on sewer services.</p> <p>The applicant has submitted preliminary drainage and erosion control plans, and the project is conditioned to submit improvement plans meeting Engineering and Statewide standards for grading, drainage, and erosion control.</p>
Exterior Lighting and Night Sky	Development Code Section 18.30.060	Yes,

Development Standard	Requirement in DMU Zoning District	Complies?
	<p>D.3 New lighting. Any new lighting on the site shall meet the requirements of this Section with regard to shielding and lamp type; the total outdoor light output after the modifications are complete shall not exceed that on the site before the modification, or that permitted by this Section, whichever is larger.</p> <p>H.1 Land and shielding: All light fixtures are required to be fully shielded and shall be installed in such a manner that the shielding complies with the definition of fully shielded light fixtures for all uses, not exempt under Subsection D.</p>	<p>The project has provided lighting details on sheets 1.6A through 1.6D. Lighting demonstrates compliance with shielding and total outdoor light output.</p>
<p>Glare and Heat</p> <p>Solar Access and Solar Equipment Guidelines</p>	<p>Development Code Section 18.12.080.B</p> <p>No direct or sky-reflected glare or heat, whether from floodlights or from high temperature processes (including combustion or welding or otherwise), shall be visible or felt at the property line.</p> <p>Development Code Section 18.30.140</p> <p>An evaluation of solar opportunities shall be required during review of all discretionary development projects. In preparing the solar evaluation, the applicant shall identify the opportunities for solar access within the proposed project. The solar evaluation shall also be used to determine any solar access impacts on adjacent properties following construction of the proposed development.</p>	<p>Yes,</p> <p>Architectural details and designs do not include materials that produce glare or heat. The project uses wood, brick, and metal surfaces that are rusted or rustic. Further, the project does not include floodlights.</p> <p>The project includes a solar access and shadow plan. The project is designed to accommodate installed photovoltaic panels on Buildings B, C and D. The shadow plan on plan sheet 1.2 was conducted on December 21, 2004, at noon and demonstrates that the buildings will not shade adjacent properties.</p>
<p>Solid Waste / Recyclable Materials</p>	<p>Development Code Section 18.30.150</p> <p>All developments must comply with Solid Waste and Recycling requirements found in the Town of Truckee Municipal Code Chapter 6, and storage area requirements in Table 3-4, requiring 10 ft. width by 9 ft. depth for dumpsters and 2.6 ft width by 2.6 ft. depth for wheeled cart.</p>	<p>Yes,</p> <p>The Town determined that two mixed waste dumpsters, one cardboard dumpster and 18 recycle carts are required. The project provides the following solid waste and recyclable materials storage areas, which the Town has determined is sufficient for the project:</p> <p>One (1) mixed waste dumpster and nine (9) recycling carts are located between Buildings A and B, enclosed in a concrete enclosure providing two (2) spaces of 10' wide by 9'-6" deep clear interior dimensions by eight-feet (8') tall.</p> <p>One (1) mixed waste dumpster, one (1) cardboard dumpster, and nine (9) recycling carts are located between buildings C and D. The two dumpsters have an enclosure providing two (2) spaces of 10' wide x 9'-6" deep clear interior dimensions by eight-feet (8') tall. The recycling carts are located under Building D in a space approximately 6' by 15'-5" clear, with ample room for nine (9) carts.</p>
<p>Tree Preservation</p>	<p>Development Code Section 18.30.155.D.1 – Tree Preservation</p> <p>Zoning Clearance for tree removal activities. A Zoning Clearance is required for removal of trees greater than 24 inches diameter at breast height</p>	<p>Yes,</p> <p>The project would remove six trees onsite, but the project is exempt from a Zoning Clearance for tree removal because tree removal is as part of a land use application.</p>

Development Standard	Requirement in DMU Zoning District	Complies?
	(DBH) unless exempt pursuant to Section 18.30.155.C or unless approved as part of a land use application.	
Noise	Development Code Section 18.44.050.A Interior noise standard. Whenever a new single-family or multi-family dwelling unit is proposed on a parcel where the existing exterior ambient noise level may exceed 60 dB(A) CNEL, the land use permit application shall include an acoustical analysis showing the dwelling unit has been designed to limit intruding noise to an interior CNEL of 45 dB, in compliance with California Code of Regulations Title 24, Part 2.	Yes, The applicant submitted, and staff peer reviewed, a Noise Assessment for the project. Existing noise levels near the project site are 63.5 dBA CNEL. Applying standard noise level reduction rates per the Tahoe Truckee Airport Land Use Compatibility Plan (ALUCP) of 20 dBA CNEL, interior noise levels at the new residential land uses would not exceed the interior noise limit of 45 dBA CNEL (i.e., 63.5 dBA – 20 dBA = 43.5 dBA).
Workforce Housing	Development Code Section 18.216.040 Commercial projects with less than 3,500 sf. are exempt	Yes, The project is exempt from workforce housing requirements because it provides 3,339 sf. of commercial space which does not trigger the provision of workforce housing.

Hillside Development Standards

While the project has demonstrated consistency with objective standards in the Development Code, the project presents potential inconsistencies with an objective standard related to hillside development. Like the discussion above related to General Plan Policy COS – 5.1, Development Code Section 18.36 identifies hillside development standards. Chapter 18.36 applies to all uses, subdivisions and structures proposed on development sites with an average slope of 10 percent or greater or on development sites with any slopes of 20 percent or greater. As noted, the project proposes development on slopes exceeding 30 percent.

Chapter 18.36.040.C provides objective standards related to hillside development. While this section of the Development code specifically prohibits development on slopes of 30 percent or greater, noting those slopes “shall be permanent preserved as open space,” Section 18.36.040.C.b provides flexibility to the Planning Commission. Section 18.36.040.C.b and .c states that the Planning Commission:

- Section 18.36.040.C.b (Hillside Development Standards – Standards for Hillside Development) “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;” and
- Section 18.36.040.C.c (Hillside Development Standards – Standards for Hillside Development) “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 requirement of provision Section 18.36.040.C.c (Hillside Development Standards – Standards for Hillside Development) identified above, the project is in the -HP Overlay Zoning District as shown on Zoning Map Sheet #25 and achieves desired infill housing. As identified in Development Code Section 18.36.050 (Hillside Development Standards – Design Criteria for Hillside Development), 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. As discussed earlier in this staff report, the Commission may wish to discuss this further and make a determination relative to the required findings.

Development Code Section 18.36.060 (Hillside Development – Criteria for Use Permit Approval) provides the findings for approval of a Use Permit for hillside development. The findings and an analysis of the project related to these findings are as follows:

- A. 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;

Analysis: 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%.

- B. 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;

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

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

Analysis: 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.

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

Analysis: 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.

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

Analysis: 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.

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

Analysis: 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.

- G. 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;

Analysis: 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.

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

Analysis: 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.

- I. 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.

Analysis: 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.

Historic Design Guidelines – Objective Standards in Design Guidelines

Development Code Section 18.24 identifies the Design Guidelines applicable to projects in Truckee. Given that the project is an SB 330 application, subjective Design Guidelines would not be applicable to the project nor grounds for denial. However, Chapter 18.24 identifies some objective Design Guidelines

that are applicable to the project. The project has demonstrated compliance with the following objective Design Guidelines found in Chapter 18.24 (Design Guidelines).

- 18.24.040.C.1.d Authentic materials (Design Guidelines – General Design Guidelines). Use materials (see Figure 2-1) that weather over time and are reflective of Truckee’s history such as wood, brick, logs, rough-cut granite stones, rock, metal and iron, including new interpretations of older materials such as:
 - Copper
 - Board formed, stained tilt-up, and pre-colored concrete
 - Rebar, I-Beams
 - Reclaimed materials
 - Corrugated metal

Analysis: Materials include cedar wood trim, Douglas fir timbers, wood siding, brick, metal clad wood windows, wood shingles, and reclaimed metal.

- Development Code Section 18.24.040.C.2.a (Design Guidelines – General Design Guidelines) Block style. Block style is characterized by a simple box or rectangular-shaped facade, flat roof, simple detail, two- to four-story height, first floor commercial frontage/shop front, with or without awnings, colonnades or canopies.
- Development Code Section 18.24.040.C.2.a.1 (Design Guidelines – General Design Guidelines) In large-block style projects with more than three floors, create the appearance of layering by breaking down facades to varied block sizes and shapes.

Analysis: The project is comprised of rectilinear forms, with block style architecture. Building A has an A-frame style roof, but has simple, clean, lines. Buildings B-C and D create the appearance of layering, with a distinct ground floor design, building offsets and recesses, and flat roofs. Buildings B-C and D break down façades to varied block sizes by providing a separation between each building, reducing the scale of the buildings along the length of the block.

- Development Code Section 18.24.090.A.1.b (Design Guidelines – Services and Utility Placement Design Guidelines): Trash bins shall be fully enclosed in compliance with Section 18.30.150 (Solid Waste/Recyclable Materials Storage).

Analysis: Trash bins are fully enclosed by the sides of the buildings and by metal gates in front of the bins. Bins are covered by the walkways of the buildings.

Sign Plan Review

The project includes six types of signs, comprised of address wall signs, hanging signs, perpendicular hanging signs, and window signs on doors. Consistent with the requirements of Development Code Sections 18.54.070F.1 and 18.54.070.F.2 (Signs – General Requirements for All Signs), materials proposed for signage consists of wood and hot rolled steel and proposed to be individually mounted numbers and letters with three dimensional features.

Consistent with the provisions of Section 18.54.070.G.10 (Signs – General Requirements for All Signs), wall mounted signs are proposed to be halo illuminated from an internal source. Three hanging signs are proposed on Buildings B-C and two hanging signs are proposed on Building D. These signs are placed over the entrances to the proposed commercial spaces. No hanging signs are proposed on Building A. Hanging signs are a minimum of eight-feet (8') three-inches (3") from the bottom of the sign to the sidewalk. This is consistent with the provisions of Development Code Section 18.54.080.C (Signs – Standards for Specific Types of Permanent Signs, Hanging Signs).

The project includes two projecting signs – one on Building B-C and one on Building D. The signs are proposed to be 21 sf. and 32 sf. each. This exceeds the maximum area permitted by the Development Code, which is eight square feet, and staff has included a condition of approval that projecting signs comply with the eight square foot requirement prior to issuance of building permit for the project. These signs are minimum of eight-feet (8') three-inches (3") from the bottom of the sign to the sidewalk and are located near the entrances to the commercial spaces and oriented to pedestrians. Therefore, with implementation of the conditions of approval, the project signs are consistent with the provisions of Development Code Section 18.54.080.D (Signs – Standards for Specific Types of Permanent Signs, Project Signs).

The project includes three wall signs in the form of building address signage. Building A contains a wall address sign facing Jibboom Street, measuring three square feet. Buildings B-C contain one address wall sign facing Jibboom Street and a wall sign on an eyebrow feature over the sidewalk. The area of these signs is 18 square feet. would be permitted. Building D contains a wall sign in the form of an address facing High Street. The sign is 13 sf. Wall signage square footage is one square foot per lineal foot of business frontage. Each of the signs complies with this requirement and would leave a total of 97 sf. of remaining wall signage. The number of wall signs for the project is one per door where customers have direct access to the buildings. Therefore, the project complies with the requirements for wall signs in Development Code Section 18.54.080.G (Signs – Standards for Specific Types of Permanent Signs, Wall Signs).

One window sign is proposed on Building D, facing High Street. The sign is two square feet in area and does not occupy more than 15% of the window area. The sign is not illuminated. The maximum area permitted is approximately 25 sf. Therefore, the proposed window signage is consistent with Development Code Section 18.54.080.H (Signs – Standards for Specific Types of Permanent Signs, Window Signs).

Inclusionary Housing Requirements

The purpose of the Inclusionary Housing Ordinance is to provide a permanent supply of affordable housing to meet the needs of very low, low-, and moderate-income residents, particularly those who live or work in Truckee, while maintaining the Town's character and improving the social and economic quality of life for Truckee residents. Pursuant to Development Code Section 18.92.110 (Residential Density), projects which provide 90% to 100% of maximum allowable density are exempt from providing additional housing units beyond those required in Chapter 18.214 (Inclusionary Housing). Pursuant to Development Code Section 18.214.040.B (Inclusionary Housing – Inclusionary Housing Requirements), 15% of all new dwelling units in a residential development project shall be affordable units which shall be constructed and completed not later than the related market rate units. Fractions of affordable units may be rounded up to the next highest number of units.

Pursuant to Development Code Section 18.214.040.B (Inclusionary Housing – Inclusionary Housing Requirements), a 41-unit project would be required to provide six (6) affordable units. The project exceeds this amount by providing 10 units at the low-income level. Pursuant to Development Code Section 18.212.020.C (Density Bonuses, Concessions, and Incentives – Density Bonus), the affordable housing inclusionary and workforce housing requirements of Chapter 18.214 (Inclusionary Housing) shall be included in the count for eligibility for a density bonus. For example, a project that allocates 24% of the units to low-income units would be allowed a 50% density bonus. Therefore, the project's provision of 10 deed-restricted low-income units would entitle the project to a 50% density bonus. The applicant is also pursuing the provision of 20 additional affordable housing units through the Deed Restriction for New Development Program, which is administered through the Sierra Business Council. If approved, this would bring the number of affordable units to 30 with a total of 32 market-rate units. Therefore, the project exceeds the Town's inclusionary housing requirements.

Consistent with the provisions of the Development Code Section 18.214.080 (Inclusionary Housing – Inclusionary Housing Plan), the applicant has submitted an “Affordable (Inclusionary) Housing Plan” included as Attachment 4 to this staff report. Consistent with the requirements of Development Code Sections 18.210.090 (Affordable Housing Controls – Affordable Housing Agreement) and 18.212.070.F (Density Bonuses, Concessions and Incentives – Bonus, Concessions and/or Incentives for Lower Income Residential Project), the project proponent or future successor is conditioned to enter into an Inclusionary Housing Agreement with the Town. This agreement will implement the provisions of the approved inclusionary housing plan and will ensure the affordability of the housing units in the low-income category. Pursuant to Development Code Section 18.210.060 (Affordable Housing Controls – Duration), the duration of affordable housing controls is in perpetuity.

The proposed inclusionary housing units meet the requirements of Development Code Section 18.214.050 (Inclusionary Housing – Development Requirements). The applicant is proposing to locate the 10 affordable units in Building A. The proposed units are built on the same site as the residential development project. The inclusionary housing units have been identified as the first phase of the proposed project. This phasing is consistent with the requirement that inclusionary units shall generally be constructed and offered for sale or rent concurrently with or prior to completion of market rate units. The Development Code defines “concurrently” in this case to mean that a proportionate share of inclusionary units, including a proportionate share of units by income affordability, and must be substantially completed by the time 50% of the market rate units within a residential development project are sold. Building A is of a comparable exterior visual appearance as the other buildings in the project. The interior quality of finishes is allowed to vary between the affordable units and the market rate units.

Density Bonus Request – Density and Development Standards Waiver Analysis

Density Bonus

The Town has zoned the project site Downtown Mixed-Use (DMU), which affords a residential density range of 12-24 dwelling units per acre. The project site is 1.67 acres in size. Pursuant to Development Code Section 18.212.020.B.2 (Density Bonuses, Concessions and Incentives – Density Bonus), all density calculations resulting in fractional units are rounded up to the next whole number. Therefore, the 1.67-acre site, with a density of 24 dwelling units per acre would afford a total of 41 units on the site (40.08 rounded up pursuant to the Development Code to 41). Ten of the 41 units, or 24%, are proposed to be deed restrict to the low-income AMI, which grants the project a 50% increase in density pursuant to SDBL. This results in an additional 21 density bonus units being added to the project, for a total of 62 units or an equivalent density of 37 dwelling units per acre.

Density Bonus Law: Parking Analysis

Development Code Section 18.212.040.B.8 (Density Bonuses, Concessions and Incentives – Concessions and Incentives for Physical Development) identifies that an applicant may request a reduction in the required parking demand to 0.5 space per unit, inclusive of parking for persons with a disability and guests, if the project is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, and a development includes at least 11 percent (11%) very low income units or at least 20 percent (20%) low-income units.

Density Bonus Analysis: The proposed project includes 10 units dedicated to low-income housing. At the base density, the 10 units represent 24% of the total units that could be developed on the site as available for low-income housing. The Truckee Train Depot located at 10065 Donner Pass Road is approximately one-quarter (0.25) mile from the project site. Unobstructed access is facilitated by sidewalks along Jibboom Street, Spring Street, and Donner Pass Road, with

crosswalks at Donner Pass Road. The Truckee station is a stop for Amtrak and the California Zephyr. The station also services as a bus stop for Tahoe Area Regional Transit's Truckee Local Route, serving the Town of Truckee from Henness Road to the Truckee Depot. Therefore, the project is within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, is afforded unobstructed access to the major transit stop, provides more than 20% of the units as low-income units, and the 0.5 spaces per unit parking standard is appropriate to apply to the project.

When the above provisions of the Development Code and SDBL are applied to the project, the project results in a parking surplus of 12 spaces, as shown below in Table 4. While 13 parking spaces are required for the commercial square footage, 11 of those spaces are available in the parallel parking spaces along Jibboom Street. The applicant is proposing that the remaining two parking spaces generated by the commercial space parking demand be satisfied with parking spaces under Building A. With respect to tenant and future unit owners, the applicant is proposing to “assign parking to units as requested.”

Regarding on-street parking and the Minor Use Permit requested, Development Code Section 18.48.110.D.2 (Parking and Loading Standards – Downtown Parking), states that “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.” It is staff’s position that seven (7) of the parking spaces the project identifies as on-street parking exist at the time of the project application and are improved to Town standards, meaning they are striped and there is a payment kiosk for the parking spaces. Further, these spaces are identified in the Town’s Downtown Parking Map available online at: <https://www.truckeepolice.gov/wp-content/uploads/2020/07/Truckee-Downtown-Parking-no-labels.pdf>. The remaining four spaces do not exist and are not improved consistent with Town standards, nor are they shown on the map linked above. Therefore, four spaces are attributed to the project but are reduced to three (3) spaces for purposes of determining the onsite parking total and total parking provided pursuant to Development Code Section 18.48.110.D.5 (Parking and Loading Standards – Downtown Parking), which states that “one on-street parking space shall be equivalent to 0.75 of an on-site parking space.”

Table 4 – Parking Analysis

Use	No. Units	Required Parking Ratio Pursuant to Density Bonus Provisions	Spaces Required
Studio	15	0.5 space/unit	8
1 Bed Units	23	0.5 space/unit	12
2 Bed Units	13	0.5 space/unit	7
3 Bed Units	11	0.5 space/unit	6
Guest Parking		*Inclusive of parking requirement for residential units pursuant to California Government Code Section 65915(p)(2)(A)	0
Commercial	3,339 sf.	1 space/250 sf.	13
Total Required Parking Spaces			46 spaces
On Site Provided			58 spaces
On-Street Parking Provided		4 spaces x 0.75 spaces per unit pursuant to Development Code Section 18.48.110.D.5 (Parking and Loading Standards – Downtown Parking)	3 spaces
Total Parking Surplus			12 spaces

Without the parking reductions afforded by SDBL, the project would generate a demand for 62 residential parking spaces pursuant to the provisions afforded mixed-use projects by Development Code Section 18.58.140.D.2 (Standards for Specific Land Uses – Mixed-Use Development). The guest parking generated would be 16 spaces; there is no reduction as

afforded under SDBL and the Town of Truckee Development Code. The project would be required to provide 13 spaces for the commercial component. The total parking required pursuant to the Development Code in this case would therefore be 91 spaces. Under these provisions, there would be a parking shortage of 30 spaces. The Town has a Downtown Parking District, which restricts parking overnight during the winter months and is not conducive for long-term residential parking. Therefore, the Town proposes a condition of approval to notify future tenants that there may be a shortage of available parking, and that parking offsite will be subject to the Town Municipal Code and California Vehicle Code (Condition of Approval No. 15).

While the parking provided exceeds the required amount under SDBL, other State regulations available for the project could have resulted in a more drastic parking shortfall. California Assembly Bill 2097 (AB 2097), signed by Governor Gavin Newsom on September 22, 2022, is a California state law that prohibits a public agency from imposing or enforcing any minimum automobile parking requirement on a residential, commercial, or other development project located within one-half mile of a major transit stop. As noted, the project is approximately one-quarter mile from the Truckee Train Depot, which meets the requirements of a major transit stop. Therefore, no minimum parking requirement could have been imposed on the project, and any parking provided would have been satisfactory pursuant to AB 2097.

Pursuant to Development Code Section 18.48.050.B (Parking and Loading Standards – Adjustments to Off-Street Parking Requirements, Compact car spaces), compact spaces may be provided for up to 25% of the total number of required parking spaces. Accordingly, the project may provide 14 compact parking spaces. The project provides 26 compact parking spaces, or 39% of the total spaces. The proposed compact parking is consistent with the Development Code because the compact parking provision is permissive rather than prescriptive.

The proposed access, parking layout, and design is consistent with the Development Standards for off-street parking in Development Code Section 18.48.070 (Parking and Loading Standards – Development Standards for Off-Street Parking). Standard stalls are nine feet (9') in width and 20 ft. in length while compact stalls are eight (8') in width and 16 ft. in length with a two-foot (2') bumper overhang. Parking drive aisles are 24 ft. in width. All parking stalls, drive aisles, and access points are striped, and the parking areas are illuminated. Garage spaces provide a vertical clearance of eight-feet (8') three-inches (3"), meeting the standards of the Development Code.

The project meets the required amount of bicycle parking. Pursuant to Development Code Section 18.48.090.B (Parking and Loading Standards – Bicycle Parking and Support Facilities, Number of spaces required), the amount of long-term bicycle parking required is one space per residential unit and 15% of the required car parking spaces for non-residential uses. Accordingly, the project is required to provide 65 long-term bicycle parking spaces. The project provides the following amount of long-term bicycle parking

- Building A: 15 spaces, eight in a locked enclosure on the common deck at the rear grade, six in the secure entry way, and one in the locked enclosure of the patio unit on the first floor.*
- Buildings B and C: 32 spaces, all of which are in the secured garage in the form of a wall mounted bicycle lift system that is identified in the project plans.*
- Building D: 30 total spaces, 15 spaces in the parking garage using the lift system, the same as proposed for Buildings B and C, and 15 individual spaces are provided in storage rooms provided throughout the building.*

Therefore, the project provides 77 long-term bicycle parking spaces and meets the required amount of long-term bicycle parking.

Short-term bicycle parking requirements are one space per ten residential units and a minimum of three spaces for all other uses. Therefore, the project would be required to provide nine short-term bicycle parking spaces. The project includes 10 short-term bicycle parking spaces, seven of which are in the public plaza between Buildings B and C and three are in the public plaza at Building D. Accordingly, the project meets the short-term bicycle parking requirements.

Waiver Requests

A development qualifying for a density bonus also receives a form of assistance in the form of waivers or reductions of development standards. Pursuant to SDBL, if any other city development standard would physically prevent the project from being built at the permitted density and with the granted concessions/incentives, the developer may propose to have those standards waived or reduced. The city is not permitted to apply any development standard which physically precludes the construction of the project at its permitted density and with the granted concessions/incentives. The city is not required to waive or reduce development standards that would cause a public health or safety problem, cause an environmental problem, harm historical property, or would be contrary to law. The waiver or reduction of a development standard does not count as an incentive or concession, and there is no limit on the number of development standard waivers that may be requested or granted.

1. Downtown Plan Commercial Frontage and Depth:

The Truckee Downtown Plan Policy LUC-CC-4 requires parcels in the DMU designation along Jibboom Street to provide 75% of the frontage for commercial uses on the ground floor with a minimum depth of 30 feet. The project proposes that 52% of the Jibboom Street project frontage be allocated to commercial spaces and the minimum depth of the commercial space is proposed to be 13 feet. The applicant is requesting that this standard be reduced.

Analysis: The project was designed to accommodate the mixed-use required by the Truckee Downtown Plan. To accommodate the commercial and residential component of the project, the design on the site planned for driveways, public plazas, seating areas, and an enhanced pedestrian experience that reduced the overall frontage of commercial space. If 75% of the 465' frontage had 30' deep commercial spaces, it would result in 10,462 sf. of commercial area. Given the requirements for parking spaces and drive aisles for the residential and commercial components of the project, the provision of 10,462 sf. of commercial space could not be provided without disturbance of the hillside behind the site or without a substantial reduction in the number of residential units. Reducing this development standard would cause a public health or safety impact because the project is still providing for commercial square footage. Therefore, the waiver for the reduction in the commercial frontage and depth requirement can be supported.

2. Common Open Space:

Pursuant to Development Code Section 18.58.180.A.1 2 (Standards for Specific Land Uses – Multi-Family Residential Projects), the project is required to provide 250 sf. of common open space per unit. The Mixed-Use Development Incentive applies, which waives the requirement for second floor dwelling units that are above commercial space pursuant to Development Code Section 18.58.140 (Standards for Specific Land Uses – Mixed-Use Development). This reduces the requirement by 16 units in Buildings B-C and five units in Building D. The resulting requirement is 10,250 sf. of common open space (41 units x 250 sf.). The project provides 8,150 sf. of common open space, which is 2,100 sf. less than what is required. The applicant is requesting that this standard be reduced.

Analysis: Provision of common open space as required would physically preclude the project from the density permitted. To meet the requirement for common open space, the project would either have to reduce the number of units or grade additional areas on the hillside and steep slope

behind the residences. Reducing the common open space development standard would not result in a public health or safety impact because residences are still afforded the opportunity to access open space on the project site. Therefore, to meet the density permitted while also preserving the slope, the amount of common open space needed to be reduced, and the requested waiver can be supported.

3. Private Exterior Space:

Pursuant to Development Code Section 18.58.180.A.2 (Standards for Specific Land Uses – Multi-Family Residential Projects) residential projects are required to provide private exterior open space for each unit, having access to a private exterior balcony of 60 sf, a deck of 90 sf, or patio of 90 sf, with a minimum dimension of not less than 6 feet. The project meets or exceeds this standard for 53 of the 62 units. The applicant is requesting that this standard be reduced.

Building A: Seven units in Building A do not have private exterior space.

Buildings B-C: Two units in Building B have balconies that are 38 sf. with a minimum dimension of four-feet (4') six-inches (6").

Building: All units comply with this requirement.

Analysis: Provision of private exterior space for all units would physically preclude the development from being constructed at the density permitted. Driveway aisle clearances preclude the addition of second floor balconies on Building A. A reduction in the number of units would be needed in Buildings B-C to provide private exterior space and to avoid hillside disturbance behind the site. Reducing the private exterior space dimension and not providing private exterior space for seven units in Building A would not result in a public health or safety impact because the project provides access to common open spaces for residences. Therefore, the requested waiver of private exterior space can be supported.

4. Long-Term Bicycle Parking Locations:

Pursuant to Development Code Section 18.484.090.A.1 (Parking and Loading Standards – Bicycle Parking and Support Facilities), long-term bicycle parking shall be covered from the elements and may be in a locked enclosure or secure area internal to a building. Long-term bicycle parking shall be located at ground level. The project meets the requirements for enclosed spaces except for the ground level and the enclosure requirement for those spaces proposed on the rear deck of Building A. Additionally, the project does not provide access to long-term spaces for commercial uses. Development Code Section 18.48.090.D.2 (Parking and Loading Standards – Bicycle Parking and Support Facilities) provides the bicycle parking design and device requirements. The project does not meet the standards of long-term bicycle parking location and design. These standards prescribe that long-term bicycle parking be accessed by five-foot-wide aisles, be a minimum of two feet wide, and six feet in length and have overhead clearance of seven feet, be located near a building entrance, be 18-inches from a wall, and be separated from car parking by at least five feet. The applicant is requesting that these development standards be waived.

Analysis: Imposition of development standards related to bicycling parking location, design, and device would physically preclude the construction of the project at the requested density. The site is physically constrained by a steep hillside and a narrow portion of the site abutting the hillside. Designing a project to accommodate ground-level bicycle parking, with independent access to spaces measuring five feet for an aisle, spaces that are two feet in width and six feet in length and near a building entrance would result in the elimination of parking spaces, commercial square footage, or a reduction in the number of units. Providing two feet (2') for each bicycle parking space would require approximately 130 ft. for bicycle parking, not including the five foot (5') wide

access aisle, which is approximately the size of 14 car parking spaces. The project has utilized all the area on the ground level for driveway widths, egress walkways, waste storage, utility meters, commercial, parking, and residential access stairs and elevators. Therefore, the waiver to the ground-level, covered, and design and device requirements can be supported.

5. Landscaping Requirement:

Pursuant to Development Code Section 18.40.040.C (Landscape Standards – Site Landscaping Requirements), a minimum five-foot (5') wide landscape strip shall be provided along all street frontages. One tree shall be provided in every 20 linear feet of frontage, and one shrub for every 5 linear feet. The project is consistent with the street tree and shrub planting requirements along Jibboom Street. However, the project does not provide the five-foot (5') wide landscaping strip along Jibboom nor does it provide street tree and shrub planting along the High Street frontages. The applicant is requesting that these standards be waived for High Street.

Analysis: Imposition of this development standard would physically preclude development at the density proposed. Along Jibboom Street, the proposed project includes landscaping and street tree planting in tree grates. The project is designed consistent with the Public Improvement and Engineering Standards. Further, Downtown Plan Policy PR-L-1 refers to planting areas within landscaping strips, which implies that landscaped strips do not have to be fully planted. Adding a five-foot (5') wide planting strip in addition to the four-foot (4') amenity zone and six-foot (6') wide sidewalk would result in a frontage of 15 ft. thereby reducing the area for parking and commercial square footage required of a mixed-use project on a constrained site. Further, Development Code Section 18.30.110.C (General Property Development and Use Standards – Screening and Buffer) states that a screening buffer is required where uses are not separated by a street. Therefore, the landscape strip along High Street would not be required pursuant to this section of the Development Code. Truckee Downtown Plan Section 1.1.4 identifies the importance of preserving natural forms and features. Therefore, a landscape strip and tree planting is not proposed along High Street consistent with these standards. Retaining the natural setting of the site along High Street preserves the natural open space and buffer of this area relative to the development on the project site. Accordingly, the reduction in the landscaping requirements can be supported.

Special Districts and Utilities: All applicable special districts, utility companies, and Town departments with an interest in this application have been notified. The applicant has provided “Will Serve” letters from the Truckee Donner Public Utility District, Tahoe Truckee Sierra Disposal, and the Truckee Sanitary District.” All conditions of approval received have been incorporated. The project will be required to be in compliance with all utility and special agency requirements. Copies of all agency comment letters are included as Attachment 10.

Environmental Review: The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” The proposed project is a project under CEQA.

The 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

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

Public Communication: The Planning Division noticed the September 17, 2024 Planning Commission hearing, with the Sierra Sun on August 30, 2024, for publishing in the September 6, 2024 newspaper. The Division mailed notice to all property owners within 500 ft. of the project site as shown on the current tax roll of Nevada County on September 5, 2024.

During project processing, staff received inquiries from the public regarding the project. Members of the public expressed via phone calls concerns about parking sufficiency, traffic impacts on High Street, and a request for visual simulations of the project from the Cottonwood area. Staff have also received form comment letters from the applicant. These comments, included in Attachment 11, have come from, but are not limited to:

- California Housing Defense Fund
- Cindy Gustafson, Placer County Supervisor
- Truckee Workforce Housing Authority
- Tahoe Truckee Community Foundation
- Contractors Association of Truckee Tahoe
- Tahoe Truckee Community Foundation
- Residents and business owners
- Letters expressing support for project as a whole

Prior to the July 10, 2024 HPAC hearing, approximately 28 comments were submitted opposing the project. Concerns expressed include those that the project was too dense, the design was inconsistent with historical character of Downtown Truckee, the project was under parked, the height was too tall, and the aesthetics and views from High Street would be impacted. These comments are included in Attachment 6. Public comments were not received prior to the August 13, 2024 Town Council hearing to reclassify the site as a Category D (Nonessential) resource.

Planning Division staff routed a complete set of project plans to affected departments and agencies on May 7, 2024. Where applicable, department and agency responses are included as conditions of approval. The Tahoe-Truckee Unified School District (TTUSD) did not provide a response to the routing. TTUSD is mandated to provide transportation for low-income students.

Staff Summary and Recommendation: The project before the Planning Commission is a mixed-use project with 62 units and approximately 3,339 sf. of commercial space. The project includes 10 deed-restricted units for low-income households, and the applicant is working with the Sierra Business Council to deed restrict an additional 20 units. The 10 deed-restricted low-income units are proposed for apartments while the remaining 52 units are proposed to be subdivided condominiums. The project provides affordable housing on an infill site in Downtown Truckee. The proposed location is appropriate for a mixed-use project.

The 2040 General Plan, Truckee Downtown Plan, and Development Code are intended to guide development in fulfilling the vision articulated in the 2040 General Plan. That vision is for Truckee to be a welcoming, inclusive, and thriving mountain town with a diverse community, strong four-season economy, and a healthy environment. The proposed project is consistent with the objective standards of the 2040 General Plan, Truckee Downtown Plan, and Development Code, pursuant to the waivers requested under SDBL. The requested waivers meet the standards for approval. If the Planning Commission disagrees with granting waivers/reductions, the decision must be based on the findings discussed earlier in the SDBL section of this staff report (Development Code Sections 18.212.030 and 18.212.040 – Density Bonuses, Concessions and Incentives – Concessions and Incentives for Cost Reductions and Concessions and Incentives for Physical Development, respectively).

Similarly, 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. Therefore, staff

recommends that the Planning Commission adopt Resolution 2024-12, finding the project exempt from CEQA pursuant to Section 15332 and approving the requested entitlements.

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

1. Land Use Permits
 - a. Add, delete or modify the proposed conditions of approval
 - b. Deny the project on the basis of a “specific, adverse impact” based on objective, identified, written public health or safety standards, policies or conditions as defined in California Government Code Section 65589.5.

Attachments:

Attachment 1: Draft Resolution 2024-12

Exhibit A: Project Plans Dated 9.03.24

Exhibit B: State Density Bonus Law Modifications

Exhibit C: Draft Conditions of Approval

Exhibit D: Findings

Attachment 2: Town of Truckee 2040 General Plan Consistency Matrix

Attachment 3: Applicant Project Justification 8/29/24, Historic Design Narrative, Applicant proposed Findings, Solid Waste Recycling Plan, and Worksheet C of the Water Efficient Landscape Ordinance

Attachment 4: Affordable Housing Plan

Attachment 5: August 13, 2024 Town Council Staff Report, Minutes, and Resolution No. 2024-053

Attachment 6: [July 10, 2024 HPAC Staff Report and Attachments Including Kautz Environmental Consultants Historic Memo and Supporting Documentation](#)
[July 10, 2024 HPAC Minutes](#)
[July 10, 2024 HPAC Public Comments](#)

Attachment 7: Air Quality Assessment

Attachment 8: Noise Assessment

Attachment 9: January 2024 Geotechnical Report

Attachment 10: Public Agency Will Serve Letters and Comments

Attachment 11: Applicant Submitted Comment Letters