



**TOWN OF TRUCKEE  
PLANNING COMMISSION**

**REGULAR MEETING AGENDA  
April 19, 2022 5:00 PM**

**Town Hall - Council Chambers  
10183 Truckee Airport Road, Truckee, CA**

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**1. Call to Order - 5:01 PM**

- 2. Roll Call - Vice Chair Tarnay, Commissioner Fraiman, Commissioner Miller. Chair Gove and Commissioner Riley were noted as absent.**

**Staff in Attendance:** Planning Manager Jenna Gatto, Senior Planner Yumie Dahn, Associate Planner Laura Dabe, and Administrative Technician Kayley Metroka.

**3. Pledge of Allegiance**

**4. Public Comment:**

Acting Chair Tarnay opened public comment at 5:02 PM.

- Robert Ferwerda: The Development Code needs a driveway definition; it does not have one.

Acting Chair Tarnay closed public comment at 5:03 PM.

**5. Approval of Minutes**

**5.1 September 21, 2021 - Regular Meeting**

**A motion was made by Commissioner Miller to approve the September 21, 2021 regular meeting minutes as submitted, seconded by Commissioner Fraiman, and carried the following vote:**

**Ayes:** Acting Chair Tarnay, Commissioner Miller, Commissioner Fraiman

**Noes:** None

**Absent:** Chair Gove and Commissioner Riley

**The motion passed with a 3-0 vote**

**5.2 November 16, 2021 - Regular Meeting**

**Acting Chair Tarnay proposed the following corrections to the minutes:**

- “Clarifying that OPR, Office of Policy and Research, states that a railroad station indeed is considered a major transit stop, regardless of whether trains depart on a fifteen-minute headway schedule or not. So, Truckee does currently have one

major transit stop regardless of our bus or train schedules and certain parking minimums may not be legal within a half a mile of this location.”

- “The State of CA has definitely defined ‘substantially surrounded’ to be at least seventy five percent, it can be extended up to one hundred percent at the deciding bodies discretion, but it may not be lowered.”
- I wasn’t uncomfortable with the statement on CEQA, I felt the project does not legally meet the exemptions of substantially surrounded.

**A motion was made by Commissioner Miller to approve the November 16, 2021, regular meeting minutes with the proposed modifications, seconded by Commissioner Fraiman, and carried the following vote:**

**Ayes:** Acting Chair Tarnay, Commissioner Miller, Commissioner Fraiman  
**Noes:** None  
**Absent:** Chair Gove and Commissioner Riley

**The motion passed with a 3-0 vote**

### **5.3 March 15, 2022 - Regular Meeting**

**Acting Chair Tarnay stated the March 15<sup>th</sup> minutes will be continued to the next Planning Commission meeting due to a lack of quorum – Commissioner Fraiman and Commissioner Miller were at that meeting, but Acting Chair Tarnay was not.**

### **6. Public Hearings (Minor Review)**

#### **6.1 Application 2022-0000032/EXT (Industrial Way Mixed-Use Project Time Extension); 10969 Industrial Way (APN 019-700-006-000); Applicant/Owner: Blair Porteous/Truckee Industrial Way Partners, LLC. Laura Dabe, Associate Planner**

Pursuant to the Development Code Section 18.84.055 (Time Extensions), the maximum time extension that can be granted is two years. Staff is recommending approval of a one-year time extension.

**Recommended Action:** That the Planning Commission adopt Resolution 2022-07, approving a one-year time extension for the previously approved Industrial Way Mixed-Use Project, and determining the project to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Presentation from Laura Dabe, Associate Planner. The presentation is on file with the Community Development Department.

### **QUESTIONS FOR STAFF**

**Commissioner Miller:** The presentation states as a minimum, there has to be a foundation, and there is not a foundation. So, can you define minimum in that case?

**Staff:** For the time extension to not be required, to keep the project entitlements alive, all of the foundations for the buildings in the first phase would have to be installed by the time the permits would expire.

**Acting Chair Tarnay:** I didn't vote to approve this project when it was originally before us. I had three areas where I felt it was not compliant with the code at the time, I don't see the code as being amended. For the code to become compliant with the code as it exists.

**Staff:** Typically, with the time extension, it relates to something changed with the code that would make the project inconsistent based on your previous determination that it was consistent with the Development Code. So even though all Commissioners might not have voted to approve it, overall, the Commission did take action and find it consistent. Really what we would typically look at is any changes to the project or changes to the Development Code or General Plan that would need to be brought into compliance with.

**Acting Chair Tarnay:** That was not what your finding says.

**Staff:** The only things that have changed are the items that were identified in the presentation as things for you to consider tonight.

**Acting Chair Tarnay:** They were providing uncovered parking for the workforce housing units because they were being considered affordable despite the fact that there's no affordability restriction, am I incorrect in my understanding of that policy?

**Staff:** No, you are correct. At the time we looked at it as there is an affordability component for the workforce units if it's not rented to a local employee of the project. But, in discussions with our staff we've realized that a strict interpretation of that would be to say that it's not an affordable unit unless it's a deed-restricted affordable unit without the local preference.

**Acting Chair Tarnay:** We have a regulation that workforce housing, if you're providing it, must be two-bedrooms and above. Development Code Section 18.216.040.B.3 states that all workforce housing units shall have at least one-bedroom and 50 percent or more of the workforce housing units shall have two or more bedrooms. Has that changed?

**Staff:** I do not believe so.

**Acting Chair Tarnay:** There are numerous design guidelines for industrial buildings, and they specifically state things like "it's highly discouraged to use an off the rack stock building, there should be an entrance facing the road, and there should be landscaping, courtyards. Has any of that been changed?"

**Staff:** No, and there was a discussion with the other Commissioners about their comfort level with the architecture, and from what I recall, there wasn't concern among the other Commissioners with that because it is consistent with other buildings in the vicinity.

**Acting Chair Tarnay:** It is not consistent with our design guidelines.

**Staff:** This was something that the rest of the Commissioners were comfortable approving two years ago.

**Commissioner Miller:** Could staff help us understand the discretion of what we are weighing on here? Do we have to assume the findings that were made at the time hold? What room do we have here?

**Staff:** Typically, with the time extension, what you are looking at are things that have changed with the project, Code, or the General Plan. Not going back and rereviewing the original project.

**Acting Chair Tarnay:** Recites the design guidelines for industrial buildings.

**Acting Chair Tarnay:** I think you might want to continue this item when it is not resting on me because I cannot make the findings on this.

**Staff:** It is potentially not resting on you pending the outcome of the two other votes.

### **QUESTIONS FOR APPLICANT**

None.

### **PUBLIC COMMENT**

**Acting Chair Tarnay opens Public Comment at 5:27 PM**

**Acting Chair Tarnay closes Public Comment at 5:27 PM, being there was no public comment**

### **DELIBERATION**

**Commissioner Fraiman:** We did deliberate on this item extensively at the time and we did come to an approval. So, I don't want to go back and re-review the project. I think we are here to review if we are giving the applicant the extra six months or twelve months to finish their project based on the fact that the building permit took a long time to get for all of those factors. Ultimately, they have a project they started, I drove out there today, they're building a building, the land has been cleared – what happens if we say “no”?

**Staff:** Their entitlements would expire on June 1, 2022.

**Commissioner Fraiman:** We have a mess. Like I said, I don't think we need to get into a discussion about re-reviewing the project. So, for me, I have no problem with approving this.

**Commissioner Miller:** I would not like this to be the way that we enforce the Development Code after site prep is started. That doesn't feel like the right way to enforce the Development Code. So, I would be comfortable supporting this.

**Commissioner Fraiman:** For what it's worth, they just re-sided the Pioneer Center in metal.

**Acting Chair Tarnay:** And yet, I still cannot make the finding that it is consistent with our Development Code.

**A motion was made by Commissioner Fraiman to adopt Resolution 2022-07 determining the project exempt from CEQA per Section 15061(b)(3) and approving a one-year time extension for the previously approved Industrial Way Mixed-Use Project based on the recommended findings and subject to the recommended conditions and approval. The motion was seconded by Commissioner Miller and carried the following vote:**

**Ayes:** Commissioner Miller, Commissioner Fraiman

**Noes:** Acting Chair Tarnay

**Absent:** Chair Gove and Commissioner Riley

**The motion passed with a 2-1 vote.**

## **7. Public Hearings (Major Review)**

### **7.1 Development Code Update—Clean-Up Amendments.** Laura Dabe, Associate Planner.

The Town of Truckee is proposing to amend the Development Code to ensure clarity, streamline review processes, and ensure consistency with other Municipal Code sections.

**Recommended Action:** That the Planning Commission adopt Resolution 2022-08 recommending to the approval Town Council of 2022 Development Code clean-up amendments and recommending the amendments to be exempt from CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3).

## **QUESTIONS FOR STAFF**

**Commissioner Miller:** Provided feedback that these are “New Concepts,” not clean-up amendments. Page 5, footnotes describe allowing single-family and multi-family areas. Why not just define a minimum density for that? It feels like it depletes our already limited housing capacity to allow single and multi-family areas.

**Staff:** That is something we wouldn’t currently allow, but because of the State legislation, we have to allow. So, we wanted to make it clear that it would have to be a project that complies with all those requirements which are pretty specific. That only in those situations would that type of subdivision be allowed.

**Commissioner Miller:** Is that SB9?

**Staff:** No, Gov. Code 66499.40, an amendment to the Subdivision Map Act.

**Commissioner Miller:** Can you explain the section on setbacks and height?

**Staff:** I think there is confusion about whether the entire structure has to be located outside of the setback or only the portion of the structure that is within the setback to have the height requirements. You could have it stepped.

**Commissioner Miller:** So, if I have an ADU that is more than 16 feet tall on one side, and less than 16 feet tall on the other side. The side that is below 16 feet can have a smaller setback than the side that is more than 16 feet?

**Staff:** Yes, and a common design that may require this is a gable roof that has a lower slope at the edge of the building.

**Commissioner Miller:** Could staff speak to why it makes sense to have a height limit on larger lots?

**Staff:** If it's a smaller parcel, it's more constrained and we would have to allow additional height so they could build the required size. Because some of these parcels could be pretty small, if it's a larger parcel then that additional height may not be needed. The idea is these units will be built in front of another unit, so the idea is to try not to block the other unit.

**Commissioner Miller:** Theoretically, that could be to the side too?

**Staff:** Yes.

**Acting Chair Tarnay:** Just to clarify for Ruth--while we're talking about keeping the minimum density[for single-family subdivisions in zones that allow multi-family housing], you went through the restrictions we are following and that was one that was listed in that code, correct?

**Staff:** Yes, there are specific requirements. There are some things we can't regulate, like lot size. But there are things like having to build to the required density. If there's a median density, there are provisions for that.

**Acting Chair Tarnay:** Ruth, your concern about keeping the densities is addressed in something that is not in our code.

**Acting Chair Tarnay:** Is the Hosted Rental Exemption not part of the short-term rental regulations of the new ordinance? You can still do that without having one of those capped 1,000 permits?

**Staff:** Right, you would pay Transient Occupancy Tax on the nightly rentals, but you do not need to get an STR permit for it.

**Acting Chair Tarnay:** For the time-share uses restricted to using existing single-family dwellings in general commercial and neighborhood commercial districts – it's restricted to existing ones, correct? They cannot build new ones and do time-shares?

**Staff:** Correct.

**Acting Chair Tarnay:** So, we are not looking at a big boom of time-shares?

**Staff:** Correct.

**Acting Chair Tarnay:** How many single-family residences already exist in our CG and CN zoning districts?

**Staff:** We do not have a definite answer. I counted about 15 around Donner Lake.

**Acting Chair Tarnay:** Are these time-shares?

**Staff:** No, they are single-family units that were previously approved when that was allowed.

**Acting Chair Tarnay:** Do we know how many timeshares currently exist in the Town?

**Staff:** No.

**Acting Chair Tarnay:** Has there been recent interest in organizations coming to the town wanting to do timeshares?

**Staff:** No organization has come to the Town and asked us to do one.

**Acting Chair Tarnay:** Did we figure out how our minimum density requirement works with single-family subdivisions?

**Staff:** We would have to allow that under the median density requirement.

**Acting Chair Tarnay:** I am confused to the ADU height restrictions on a lot that's larger than 2,000 square feet. These homes are limited to under 800 square feet, correct? But you couldn't have an 800 square feet two-story home on a larger lot?

**Staff:** Right, the idea is to have those be one-story rather than two-story.

**Acting Chair Tarnay:** I would say from a low-impact development and shrinking your footprint, I'm not in favor of that section. I would like people to be able to have a tiny two-story 800-square-foot home.

**Commissioner Miller:** Do we have an official definition of a driveway?

**Staff:** We have a definition of a driveway in our Development Code, and it's cross-referenced back to our PIEs [Public Improvement and Engineering Standards] and potentially our Municipal Code, though we haven't had a chance to check. Our Development Code does describe a driveway – it's not in the definition sections; it is in the text of the code under "Driveways and Site Access."

## **PUBLIC COMMENT**

**Acting Chair Tarnay opened Public Comment at 5:49 PM**

**Robert Ferwerda:** The Development Code has a whole group of definitions. I think it belongs in that section, instead of buried in the text. I think you should be consistent and have it in the definitions section. I am trying to do an ADU and someone is coming up with a bizarre definition of a driveway so I am just asking to clarify it.

**Acting Chair Tarnay closed public comment at 5:50 PM**

**Staff:** We are currently in disagreement over the definition of encroachment of a driveway, and that will be addressed probably in an appeal before your

Commission. We are trying to make our codes clearer; that is exactly what we are doing right now. I think we would need to have a conversation with our Engineering Division because this does circle back to something called the Public Improvement and Engineering Standards. We can definitely talk about adding it into the definitions section.

## **DELIBERATION**

**Fraiman:** I think the goal of the time-shares in commercial is to prevent Pacaso and some of the other outfits that are coming in and buying and reselling and messing up our real estate market. I think that's what we are trying to curb.

**Acting Chair Tarnay:** I was trying to figure out how many time-shares we have existing, but the staff does not have much data about it.

**Staff:** We have official timeshares and fractionals in Old Greenwood; this is where they originated. We made the determination 20 years ago these were commercial. What we don't know are the number of informal time-shares or fractionals, and I am not sure there will ever be a way to find that out.

**Acting Chair Tarnay:** If anyone were to advertise a portion of that for sale, they would be in violation and subject to fines?

**Staff:** If it meets the definition of a time-share.

**Commissioner Fraiman:** Old Greenwood time-shares are commercial, correct?

**Staff:** Yes, they are grandfathered.

**Miller:** I do not agree with the two-story limit on larger ADUs, I feel like it is unnecessarily prescriptive. If someone wants to build something that is no taller than the height of their home, that seems fine. The prevailing height limit should apply there.

I would love to see some resolution of a driveway definition the next time we review development codes.

**Acting Chair Tarnay:** I like your wording there, "prevailing height limit". Environmentally it's better to have a smaller footprint.

I'm always in favor of putting more in the definition center.

**A motion was made by Commissioner Miller to adopt Resolution 2022-08 recommending approval to the Town Council of 2022 Development Code Amendments and recommending the amendments be exempt from CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3) with edits proposed in the staff presentation and edits to the item on page 46 applying the same height limits to all SB-9 parcels regardless of lot size. Also, the Planning Commission asks to discuss driveway definitions in the future. The motion was seconded by Acting Chair Tarnay, and carried the following vote:**

**Ayes:** Acting Chair Tarnay, Commissioner Miller, Commissioner Fraiman

**Noes:** None

**Absent:** Chair Gove and Commissioner Riley

**The motion passed with a 3-0 vote.**

8. **Staff Reports** - None.

9. **Information Items**

9.1 **Upcoming Commission meetings and agenda items**

10. **Commission Member Reports – no reports**

11. **Adjournment at 6:00 PM.** To the next meeting of the Planning Commission, May 17, 2022, 5:00 PM at 10183 Truckee Airport Road, Truckee, CA 96161.

**Posting:** I declare a copy of this agenda was posted at Town Hall, 10183 Truckee Airport Road, Truckee, CA, on April 14, 2022, by 5:00 p.m. Agenda packets are available for public review online at [www.townoftruckee.com](http://www.townoftruckee.com)

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the lobby of Truckee Town Hall located at 10183 Truckee Airport Road, Truckee, CA, during normal business hours.

Respectfully Submitted,

*Kayley Metroka*

**Kayley Metroka**

Administrative Technician