



Planning Commission Meeting Minutes

December 19, 2023, 5:00 PM

Town Hall – Administrative Center | 10183 Truckee Airport Road, Truckee, CA

1. Call to Order 5:00 PM

2. Roll Call- Chair Clarin, Vice Chair Gove, Commissioner Fraiman, Commissioner Taylor, Commissioner Cavanagh

3. Pledge of Allegiance

4. Public Comment:

Chair Clarin opened Public Comment.

Seeing none, Chair Clarin closed Public Comment.

5. Approval of Minutes

5.1 September 27, 2023 Minutes - Special Meeting

Edits: None

A motion was made by Vice Chair Gove and was seconded by Commissioner Taylor to approve the September 27, 2023 Minutes as submitted. The motion passed and carried the following vote:

Ayes: Vice Chair Gove, Commissioner Fraiman, Commissioner Taylor

Noes: None

Abstain: Chair Clarin, Commissioner Cavanagh

Absent: None

5.2 October 17, 2023 Minutes - Regular Meeting

Edits: None

A motion was made by Commissioner Fraiman and was seconded by Commissioner Taylor to approve the October 17, 2023 Minutes as submitted. The motion passed and carried the following vote:

Ayes: Chair Clarin, Commissioner Fraiman, Commissioner Taylor

Noes: None

Abstain: Vice Chair Gove, Commissioner Cavanagh

Absent: None

5.3 November 21, 2023 Minutes - Regular Meeting

Edits: Page 4, second line: "it will be amended"

A motion was made by Commissioner Cavanagh and was seconded by Commissioner Taylor to approve the November 21, 2023 Minutes as amended. The motion passed and carried the following vote:

Ayes: Chair Clarin, Vice Chair Gove, Commissioner Taylor, Commissioner Cavanagh

Noes: None

Abstain: Commissioner Fraiman

Absent: None

6. Public Hearings (Minor Review)

6.1 Application 2023-0000015/MM-AMD-ZC (11118 Trails End Recorded Map Modification, Project Amendment and Zoning Clearance); 11118 Trails End Road (APN 019-920-006); Applicant/Owner: Aaron and Simone Jensen; Agent: Bill Quesnel, Acumen Engineering. Laura Dabe, Associate Planner

Recommended Action: That the Planning Commission adopt Resolution 2023-21, taking the following actions:

- Determining the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines; and
- Approving the Recorded Map Modification, Project Amendment and Zoning Clearance, subject to the recommended conditions of approval.

Clarifying Questions for Applicant:

- The trail is outside the fence, correct?
 - It's part of the 50-foot no-build zone anyway, so it doesn't have an effect on the existing storm drain system or the existing screen wall.
- It looks like they were trying to save the trees around it?
 - They were. There are a couple of 32–34-inch pine trees so they went around those.
 - I don't believe Mr. Jensen should be responsible for cleaning this up.
- Can you give us an engineer's estimate of how much this would cost?
 - You could spend at a minimum about \$1,500 on fieldwork but \$2,200 might be a good total estimate.
- Do we have a position from the applicant, Mr. Jensen, whether he is willing to pay for this public easement?
 - Mr. Jensen has not made a decision on that yet. Granting an easement to the Town will probably be where this goes but I don't know for sure.
- Have you discussed the fence with the applicant?
 - We have. He knows the condition says it must be wood but there are some other materials that are allowed for fencing and screening for the contractor's yard.
- Does metal fence include cyclone fencing?
 - No, it must be solid for screening.

Clarifying Questions for Staff:

- Who built the trail originally?
 - We believe Ciro Mancuso as part of the Pioneer Commerce Center subdivision. He was the previous property owner.
 - Our current practice is to approve as-built conditions and to confirm that happened. It is a slight portion of the trail that is extended outside the public access easement. It is functioning, it just needs to be cleaned up.
- So, the options for the applicant are to move it or increase the size of the easement?
 - Correct.

- If we didn't have that condition, what would happen?
 - The town attorney recommends cleaning this up as part of the project. There is some sort of allowable use the public has because it was constructed there.
- If it is a public trail, why wouldn't the public pay to fix the mistake that was not corrected in the first place? Instead of the new owners?
 - The way this was designed, the entire trail was located inside the public access easement. It was not constructed per plan and wasn't confirmed that it was fully within an access easement or on public property prior to acceptance. The remedy to that is the current property owner is the responsible party to remedy the situation.
- Do we have a diagram of the existing easements and where the trail is encroaching?
 - Staff explained with the site plan pulled up.
 - If the applicant doesn't want to provide an additional easement, he can cut down trees and keep it within the pedestrian easement. Or identify and dedicate a new sliver of pedestrian easement there to encompass the full portion of the trail.
- Is there another way to accomplish providing that extra sliver of easement without the applicant paying for a surveyor?
 - The alternative to that would likely be at the Town Engineer's discretion to determine if we wanted to use public dollars to pay for the Town Surveyor to write up an easement. That is an option the Planning Commission can recommend to the Town Engineer.
- What happens if the path stays there, and the public go around the trees?
 - The public will continue to utilize a trail that is located on private property outside of a public access easement where they don't have established rights to use that. If there was ever a challenge it would have to be challenged in a court to determine the public's legal use of the trail. The Town Attorney's perspective is that the best way to clean this up is to do this now.
 - There will need to be a survey for the grading permit, so that is likely going to be required anyway.
 - There could also be some liability for the property owner having public on their property.
- Regarding the verbiage on future Zoning Clearances—is this likely to happen for the other lots if they're converted this way or became these uses?
 - It is unusual for a Zoning Clearance to come to Planning Commission. Staff is comfortable reviewing these at the staff level. If the other property owners wanted to ask for a similar modification, they can do that as well.
- What is changing for Lot 5 and included on all six lots?
 - Originally, we looked at updating the notes related to all properties, but that would have required all property owners to participate in the process. Ultimately, Mr. Jensen decided to move forward with his lot because that was simpler. Anything you change tonight will only be specific to Lot 5. That will be allowing the outdoor contractor's yard use without a building and updating the notes on the map that currently prohibit that.

Public Comment:

Chair Clarin opened Public Comment.

Seeing none, Chair Clarin closed Public Comment.

Deliberation:

- Is it possible to repair the fence? A wood fence would look nice there.
- My thought is to give them an option to replace the chain link fence.
- How long would it take for a new fence to look like the current fence now?
- It does not look good. Some sort of replacement would be nice.

- I see both sides. It's a small business and it is very expensive to build a wood fence. It would be \$25,000 to \$70,000 to replace it with a wood fence.
- What's the cost comparison to replacing a chain link fence with a wood fence?
- The fence needs to provide visual screening, that is the requirement here.
- It seems like the applicant is aware of the requirements and is moving forward with this process.
- If the applicant cannot park a boat or RV, are we now going to monitor if he has personal vehicles on his lot and not just vehicles for his company?
 - Staff: That is something we have required for other contractors' yards, so that it's limited to the contractors' yard use.
- I don't like that condition.
- Can he have a porta potty there?
 - Staff: They have not expressed a need for that in the past 13 years.
- I think it's a prescriptive easement now. It's been there for 20 years. Let sleeping dogs lie.
- I think that is a liability for the owner.
- I would hate to see those trees go.
- If he wants to take on that liability, he can take on the cost.
 - Applicant: There is a condition that states there needs to be a survey before the improvements are made. The Engineering Department feels there needs to be a survey because of the proximity of the improvements to the property line. I'd like to suggest that the applicant shows where the corners of the property are and string it then a topographic survey wouldn't be necessary. Any grading that is going to happen is for paving.
 - Staff: Engineering can be on board with that. At minimum, reestablish property corners so everything is built on the property. You could potentially do an office survey and just offset another 10 feet of the existing pedestrian easement.
- What is an office survey?
 - Staff: It is a survey that is done without a physical survey. There is some work that needs to be done by the applicant. You can also provide a recommendation to the Town Engineer to use the Town Surveyor and public funds that could be taken into consideration.
- Would this set a precedent for how we handle easements in the future?
 - Staff: Possibly. That is why the recommended action from staff was to not set a precedent moving forward.
- That might make it more cost effective.
- Is that acceptable?
- It is to me. Leave the trail where it is and make the easement a little bigger. Then add a little rectangular flag to that easement.
 - Applicant: I understand the reasoning but cannot guarantee the applicant is going to go that route.
- Where are we with the fence?
- I lean towards the wood fence.
- I agree, go with staff's recommendation with the wood.
- What about parking? Can we change that to not having a condition to not allow parking personal vehicles in the lot?
- I feel like that is common for commercial properties.
- I get the point, but with no one policing it, what does it matter.
- We need a motion crafted.
 - Staff: Condition No. 19 provides flexibility for this to be accomplished in many different ways.

A motion was made by Vice Chair Gove and seconded by Commissioner Cavanagh to adopt Resolution 2023-21, taking the following actions: 1) Determining the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines; and 2) Approving the Recorded Map Modification, Project Amendment and Zoning Clearance, subject to the recommended conditions of approval and recommending the Town Engineer utilize the Town Surveyor and public funds to facilitate the plat map and legal description being created on behalf of the applicant. The motion passed and carried the following vote:

Ayes: Chair Clarin, Vice Chair Gove, Commissioner Fraiman, Commissioner Cavanagh, Commissioner Taylor

Noes: None

Abstain: None

Absent: None

- 6.2 **Application No. 2023-00000121/EXT (Village at Gray's Crossing Time Extension #2; Assessor's Parcel Numbers 043-050-025 to -027, 043-060-009 to -027, and 043-070-008 to -021 (10003, 10012, 10020, 10036, 10073, 10105, 10151, 10162, 10202, 10204, and 10222 Edwin Way and 10019, 10026, 10027, 10033, 10038, 10041, 10046, 10047, 10053, 10054, 10061, 10069, 10076, 10077, 10084, 10085, 10089, 10096, 10097, 10102, 10109, 10117, 10125, and 10131 Jake's Way); Owner: John Abbate, North Valley Real Estate Partners, Inc.; Agent: Martin Wood, SCO Planning & Engineering. Yumie Dahn, Senior Planner**

Recommended Action: That the Planning Commission adopt Resolution No. 2023-20, approving a second two-year Time Extension for the previously approved Village at Gray's Crossing and determining the project exempt from further environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act.

Martin Wood, SCO Planning and Engineering: Want to emphasize clients have made major improvements with this project. The fourplex will be completed in February which will bring more affordable housing. We have been in a waiting pattern.

Clarifying Questions for Applicant:

- Have we heard back from the utility agencies?
 - There is no standardized language, but we wrote the proposed language and submitted it to the Town Attorney. Most of the agencies don't understand it. Everyone has signed except AT&T.
- Are you going to have this project complete in two years?
 - We should have all of our building permits by then, so yes, we should be good to go.
- When did you submit for this extension?
 - The first week in September.
 - Staff: This new condition was adopted a year ago.

Clarifying Questions for Staff:

- Condition #79 – this is basically asking these utility partners and having them say what?
 - That they will not put any improvements of their own in these easements that will impede the site improvements.
- Has this been presented to the utility agencies? Do we have feedback from them?
 - I believe the applicant said he received consent from all agencies.
- What would happen if AT&T decided they're not signing it?
 - If AT&T wanted to have an easement on it, we wouldn't be able to move forward with this project as proposed.

- The site improvements that would be on the easement would have to be redesigned.
- Is there any circumstance where this could handicap the project?
 - Yes, this could potentially change what this project would look like.
- If the applicant is asking for an extension of what they currently have, why are they having to abide by new rules?
 - The project had a two-year life span, and once it expired, they were required to renew their application but under any new changes to our Development Code and General Plan.
- Why?
 - If our community has found there are changes that are necessary to make a project more appropriate for a community than any new project or project that has come up for an extension should apply.
- This project has already started though.
 - The part of the project this will impact has not started yet.
- I do not understand the concept of a project that was already approved having to meet new requirements.
 - Our Development Code requires compliance with its current standards.
- Why would a project of this size be the same time frame as a single-family residence?
 - The applicants could have asked for a phasing plan when they submitted the current project, but they chose not to.
 - This is generally to get them at least to their foundation so it shows they've made progress, not finished in the two years.
 - Generally, most projects are able to meet this timeframe.
- Do we have to have this condition of approval in this extension?
 - It is a Development Code requirement, so yes. Finding #2 in the Staff Report is where this is stated.
- Why is this not a staff level approval?
 - Every time extension requires review by the original granting authority.
- Can they apply for another extension after this?
 - Yes, they have one more two-year extension.
- What is the timeline of the extension?
 - The time extensions are all cumulative from the time of the effective date of the original permit. In this case, it was November 2021 originally.

Public Comment:

Chair Clarin opened Public Comment.

Seeing none, Chair Clarin closed Public Comment.

Deliberation:

- Can we change the next review authority to be staff?
 - Staff: No, the original review authority must approve the time extension.
- Can we give them a four-year time extension?
 - Staff: No, because it was not noticed for four years, and the applicant did not request it.
- I don't see a problem with giving the applicant an additional two years.
- If we don't review the condition, would it be out of compliance with the Development Code?
 - Staff: Yes.
- Every time there is a request for a time extension, the applicant has to change their project to be current with the current Development Code?
 - Staff: Yes, as well as the new 2040 General Plan.
- It seems like our hands are tied.

- It feels like an agency can cause a holdup.
- No other jurisdiction does this. The Town didn't even have wording for it.
 - Staff: This is very common. Our Town Attorney modeled this after other jurisdictions.
 - Applicant: We were told there was no example or template, so we looked at this code section and wrote our own document. This document was reviewed and revised by the Town Attorney.
 - Something like this has been on the books for a long time. The new wording with the recorded document is from a year ago. Before that, there was a prohibition of required improvements in easements. "Required improvements" are improvements that cannot go away, a condition of project approval. "Not required improvements", are improvements that are allowed in public utility easements if the easement holder signs off on it. The Town Attorney had changed the verbiage to make sure we were utilities understood which improvements cannot be removed. The wording was adopted a year ago, but the prior code did contain information regarding the same thing.

A motion was made by Commissioner Cavanagh and seconded by Commissioner Fraiman to adopt Resolution No. 2023-20, approving a second two-year Time Extension for the previously approved Village at Gray's Crossing, supporting a future time extension, and determining the project exempt from further environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act. The motion passed and carried the following vote:

Ayes: Chair Clarin, Vice Chair Gove, Commissioner Fraiman, Commissioner Cavanagh, Commissioner Taylor

Noes: None

Abstain: None

Absent: None

7. Public Hearings (Major Review)

7.1 Application No. 2023-00000036/DP-SP (Coldstream Commercial Development Permit); 12848 and 12833 Deerfield Drive (APNs 018-850-018/19-000); Applicant: Built, LLC; Owner: PC-1 Developers; Agent: Rob Wood, Millenium Planning. Chantal Birnberg, Associate Planner

Recommended Action: That the Planning Commission adopt Resolution No. 2023-19, approving the following actions based on the recommended findings and subject to the recommended conditions of approval:

Determine the project to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines; and

Approve the Development Permit; and

Approve the Sign Plan

Vice Chair Gove and Commissioner Fraiman recused themselves from Item 7.1

Clarifying Questions for Applicant:

- None.

Clarifying Questions for Staff:

- Can you explain the modification to Condition #20?
 - There will be two operation and maintenance plans for the two different storm water treatment systems. One for the onsite treatment and one for the public roadway.
- Why does it matter when the public and private water collide?
 - It is protection for both entities to keep it separate. If something were to happen in the town right of way like a discharge and it gets mixed in it is hard to differentiate where the problem is and both are then affected.
 - It is also from a maintenance perspective.
- Question regarding the line “or pass through constructed by the project”?
 - If there’s a way to keep our water separate through the project and then treat it outside the project, we can construct a way to have it passed through.
- Are there 15-foot-long hanging signs on this?
 - Our sign ordinance allows one square footage of signage per square feet of frontage where there’s direct access. So yes, that would be allowed.
- Based on the location, site, and proximity to I80- is the project proposing any additional EV infrastructure above what is required per code? Or does the specific plan have any language about that?
 - The specific plan is from 2014 so if it does have any language, the State of California has brought that up and likely has more required than the specific plan had required.

Public Comment:

Chair Clarin opened Public Comment.

Seeing none, Chair Clarin closed Public Comment.

Deliberation:

None.

A motion was made by Commissioner Taylor and seconded by Commissioner Cavanagh to adopt Resolution No. 2023-19, approving the following actions based on the recommended findings and subject to the recommended conditions of approval: Determine the project to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines; and Approve the Development Permit; and Approve the Sign Plan. The motion passed and carried the following vote:

Ayes: Chair Clarin, Commissioner Taylor, Commissioner Cavanagh

Noes: None

Abstain: Vice Chair Gove, Commissioner Fraiman

Absent: None

8. Staff Reports

Full agenda for January 2024: Village at Gray’s Hotel, Gray’s Crossing Car Wash, Development Code amendments related to Red Light Hotel, and Development Code amendments (clean up and state law changes that were signed into law this fall).

9. Information Items

None

10. Commission Member Reports

None

11. Adjournment. 6:58 PM To the next meeting of the Planning Commission, January 16, 2024, 5:00 PM at 10183 Truckee Airport Road, Truckee, CA 96161.

Respectfully submitted,

Kayley Metroka