

PLANNING COMMISSION STAFF REPORT

Meeting Date: January 16, 2024

To: Town of Truckee Planning Commission

From: Chantal Birnberg, Associate Planner

RE: Planning Application 2023-00000157/EXT (12885 Zurich Place Offices Development Permit Time Extension); 17308 Northwoods Blvd (APN 045-200-005-000); Applicant/Owner: Dan Mellon

Approved by: Denyelle Nishimori, Community Development Director

Recommended Action: That the Planning Commission adopt Resolution 2024-01, 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 California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guideline;
2. Approve a two-year time extension for the previously approved 12885 Zurich Place Offices Development Permit

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

Planning Commission's Role: A Time Extension involves a review of whether the previously approved project remains consistent with the Development Code and General Plan in effect when the Time Extension application is deemed complete. A Time Extension is not a new review of the project. If changes to the Development Code and/or General Plan have been adopted since approval, modifications to the project and/or project conditions of approval may be required.

Under Development Code Section 18.84.055 (Time Extensions), the review authority which approved a land use entitlement may grant extensions up to a total of two years for each approved land use application. The Planning Commission was the original review authority for the 12885 Zurich Place Offices Development Permit Project; therefore, the Planning Commission is the review authority for the Time Extension request.

Location/Setting: The project site is located in the Tahoe Donner Subdivision at 17308 Northwoods Blvd (APN 045-200-005-000), in a neighborhood commercial hub located off Northwoods Boulevard. At the time of previous project approval, the project was addressed as 12885 Zurich Place. The parcel is 1.18 acres in size. The site is surrounded by a developed commercial parcel to the east, vacant Neighborhood Commercial zoned parcel to the north and multifamily residential parcels to the west and south. The site is located in the CN (Neighborhood Commercial) zoning district and the Tahoe Donner Plan Area of the General Plan.

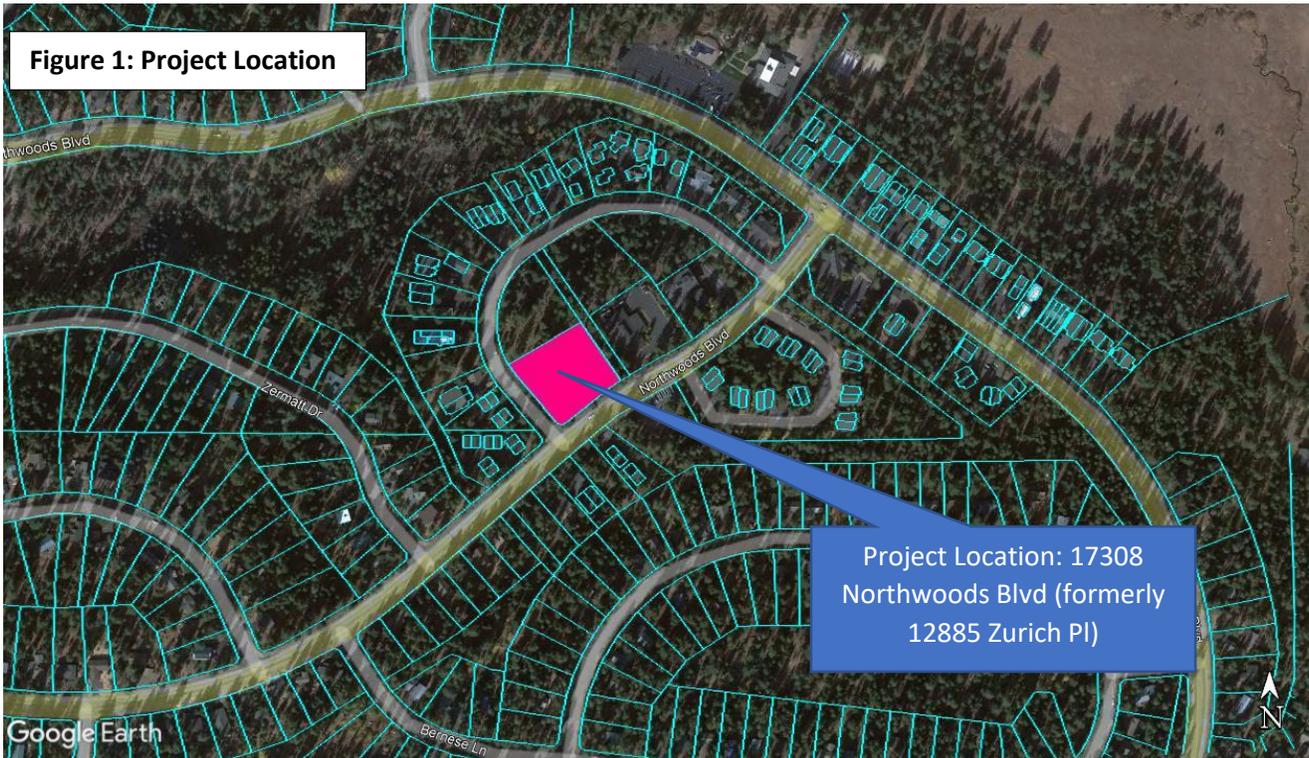


Figure 1: Project Location

Project Site Information:

General Plan Designation:	Tahoe Donner Plan Area
Zoning District:	CN (Neighborhood Commercial)
Project Area:	1.18 acres (51,401 sq. ft.)
Utilities:	Public sewer and water

Discussion/Analysis:

Background

The 12885 Zurich Place Offices Development Permit Project was approved by the Planning Commission on November 16, 2021 (Town of Truckee Application 2021-00000032, Planning Commission Resolution 2021-11). The project included 10,467 square-foot, three-story office building with 9,818 square feet of business and professional office space located at 12885 Zurich Place, now addressed as 17308 Northwoods Blvd (APN 045-200-005-000) and required approval of the following land use entitlements:

- 1) **Development Permit** for projects with 7,500 square feet or more of floor area and/or 26,000 square feet or more of site disturbance; and
- 2) **Sign Plan** to approve signage for the multiple tenant site.

As the office suites are leased with a specific use, the tenants will be required to submit plans to the Town of Truckee for planning, zoning, use and building approval. Zoning Verification or Zoning Clearance approval will be required to establish each new use that falls under the permitted uses in Development Code Table 2-7 (Allowed Uses and Permit Requirements for Commercial and Manufacturing Zoning Districts) and any future changes of use that occur; Use Permit approval will be required for any conditionally allowed uses identified in Table 2-7. The project includes landscaping, a bocce ball court, three spaces for bicycles and 36 parking spaces (including two ADA-accessible spaces).

The Planning Commission took action to adopt Resolution 2021-11, approving the 12885 Zurich Place Offices Development Permit Project. (See Attachment #4 for links to the November 16, 2021 staff report, meeting minutes and final Resolution 2021-11.) As identified in Condition of Approval #2, the effective date of approval for the project was November 30, 2021.

In accordance with the Town's timeframes for land use entitlements pursuant to Development Code Section 18.84.050 (Time Extensions), the project approvals expired on November 30, 2023 unless a Time Extension request is submitted. Prior to the expiration date of the entitlements, a Time Extension application was filed by the applicant with the Town of Truckee. Approval by the Town is now required to extend the life of the land use entitlements.

Project Description

The applicant submitted a justification letter in support of the Time Extension request, which is included in this staff report as Attachment #2. The letter identifies that the extension is necessary to begin the proposed project.

According to the applicant letter, the Time Extension is requested due to delays associated with "...Covid, the struggling economy, and the doubling of borrowing costs" as well as difficulties securing tenants and financing.

General Plan Consistency

To approve the Time Extension, the Planning Commission must find that the project is consistent with the 2040 General Plan, the General Plan in effect when the Time Extension was deemed complete. The 2040 General Plan update did not change the land use designation for the project site (Tahoe Donner Plan Area), nor did it include changes affecting the underlying zone district (Neighborhood Commercial). Tahoe Donner was created as a planned community, prior to the Town's incorporation, and includes primarily single-family residential with neighborhood amenities and some supportive commercial uses.

Several 2040 General Plan goals and policies are relevant to this project, including, but not limited to the following:

Land Use Element

- Goal LU-1: Create efficient land use patterns to provide adequate land designated for residential, commercial, industrial, and open space/ recreational uses while reducing environmental impacts, minimizing residential and commercial sprawl, increasing access to opportunity, and mitigating threats to public safety.
- LU-1.1: Balance of Uses: Ensure a healthy balance of residential, commercial, industrial, and open space land to adequately serve all Truckee residents, the local workforce, and visitors.
- LU-1.3: Infill Development: Encourage infill development within existing developed areas, including commercial centers and corridors, to promote sustainability, environmental protection, and equitable development patterns.
- Goal LU-3: Create vibrant mixed-use corridors, support commercial centers, and provide neighborhood services to reduce traffic and greenhouse gas emissions while minimizing land use conflicts.
- LU-3.3: Complete Neighborhoods: Encourage complete neighborhoods that incorporate a mix of housing densities, local commercial uses, and public facilities/services, strategically located along major transportation corridors to support transit, bicycle, and pedestrian use while reducing vehicle miles traveled.
- LU-3.4: Neighborhood Centers: Support development of neighborhood centers, specifically at Donner Lake, in Tahoe Donner, and in Glenshire, by requiring applications for new commercial development to demonstrate an ability to provide goods and services to nearby residents (e.g., daycare services, coworking spaces, neighborhood commercial).
- LU-3.5: Building Orientation: Require new buildings in mixed-use and commercial areas to be oriented toward the street and for off-street parking areas to be located to the rear or side of commercial buildings. Ultimate building locations must accommodate snow removal and snow

storage, stormwater treatment, and should maximize solar orientation.

Community Character Element

- Goal CC-3: Maintain a high standard of design to preserve Truckee's community character.
- CC-3.1: High-Quality Design: Require all new development to incorporate high-quality site design, architecture, and planning to enhance the overall quality of the built environment in Truckee and create a visually interesting and aesthetically pleasing town environment.
- CC-3.7: Building Material Standards: Require new development projects to incorporate materials, color schemes, and architectural styles that complement the landscape and the rural and mountain environment, while also withstanding the climate challenges of the mountains. The use of rustic and natural materials such as stone and wood, as well as color palettes that reflect the natural environment, should be encouraged.

Economic Development Element

- ED-1.4: New Office Space: Incentivize the creation of new office space that offers amenities and telecommunications infrastructure attractive for existing business relocation/resiliency including flexible office spaces, that can be easily reconfigured and/or co-working facilities that offer a variety of spaces of different sizes.

The guidelines, policies and actions of the 2040 General Plan remain in support of this project. It is staff's opinion that the project is consistent with the 2040 General Plan.

Development Code Consistency

Staff reviewed the project for consistency with October 12, 2023 Development Code. The project remains consistent with the Development Code and no changes are required to maintain consistency.

Time Extensions

Time extensions may be granted by the review authority to extend the time to establish an approved use, as identified in Development Code Section 18.84.055 (Time Extensions). The extension request is required to be filed with the Town in advance of the expiration date. The burden of proof is on the applicant to establish, with substantial evidence, why the permit should be extended.

The review authority may impose conditions on the approved extension deemed reasonable and necessary to ensure that the approval will remain in compliance with the findings for the applicable land use permit and to bring the project into compliance with the General Plan and Development Code.

In accordance with Section 18.84.055, the Commission may grant an extension of up to two years to the initial time limit, only if all the following findings can be made:

1. The permittee has made a good faith effort to exercise the permit and has exercised due diligence in seeking to establish the permit; and
2. The land use permit(s) and approved use are in compliance with this Development Code, the General Plan and any applicable Specific Plan and/or master plan.

The Code identifies that the entitlement for the first phase of development shall not be deemed exercised until the permittee has obtained all necessary building permits for the first phase and has diligently pursued construction. Diligent pursuit requires, at a minimum, the completion of the installation of foundations for all structures in the first phase of the project.

The applicant has requested a two-year time extension for the land use entitlements, consistent with the Development Code time extension limits, and believes the findings can be made to support this request. Based on staff's understanding of the Time Extension request and the challenges presented by the post-pandemic commercial real estate market, staff believes the applicant has made a good faith effort to pursue the project and that an additional two years will allow much-needed time to effectuate the permit.

Development Standards

The Development Code has been amended following approval of the project in 2020; however, these updates do not necessitate any changes to the project conditions of approval.

Special Districts and Utilities

All applicable special districts, utility companies, and Town departments with an interest in this application have been notified. No objections were filed. 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 #3.

Environmental Review: Staff recommends that the Planning Commission find the Time Extension exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states that where it can be seen with certainty that there is no possibility that the activity in question (time extension) may have a significant effect on the environment, the activity is not subject to CEQA.

Public Communication: The public hearing notice was published in the *Sierra Sun* on January 5, 2024, and mailed on to all affected property owners within 500 feet of the project site as shown on the latest current tax roll of Nevada County. The applicant posted an onsite sign indicating a notice of application, and information was posted about the date and time of the public hearing. As of the date of publication of this staff report, no public comment has been received on the application.

Staff Summary and Recommendation: Staff recommends approval of a two-year time extension for the 12885 Zurich Place Offices Development Permit Project, as allowed under the Development Code time extension limits. A two-year time extension would extend the expiration date for the project to November 30, 2025.

All relevant conditions of approval from the previous approval have been incorporated into draft Planning Commission Resolution 2024-01, and no new conditions of approval are necessary. No changes to the project have been proposed by the applicant, and the project is consistent with the 2040 General Plan and the Development Code. With incorporation of the recommended conditions of approval and recommended findings, it is staff's opinion that the required findings to approve the Time Extension can be made.

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

1. Continue the public hearing to a date and time certain. The Planning Commission may request additional information from the applicant and/or staff. (If new information is presented at the next meeting, the public portion of the hearing must be reopened on the new information submitted.)
2. Find that an exemption to CEQA is not suitable and require the preparation of an Initial Study in accordance with CEQA.
3. Land Use Permits
 - a. Approve the Time Extension subject to adding, modifying, or eliminating any provision or condition of approval of the project.
 - b. Deny the Time Extension on the basis that one or more of the required findings cannot be made.

Attachments:

1. Draft Planning Commission Resolution 2024-01
2. Applicant-Provided Letter of Justification
3. Agency Comment Letters
4. November 16, 2021 Planning Commission Meeting Links:
 - [Staff Report](#)

- [Resolution 2021-11](#)
- [Meeting Minutes](#)