



APPEAL INFORMATION SHEET

GENERAL INFORMATION

This information sheet explains how an appeal may be filed, how the appeal will be processed, what fees you must pay, and what information you must submit as part of an appeal. If you have any questions after you have read this information, please contact the Planning Division.

WHAT DECISIONS MAY BE APPEALED?

Any land use decision made by the Community Development Director, Zoning Administrator or Planning Commission in accordance with the Town Development Code may be appealed by the applicant or other interested party. (Decisions made by the Town Council cannot be appealed.) The Truckee Development Code establishes an appeal period of ten (10) calendar days for any decision made by the Director, Administrator or Commission. The appeal must be filed within the 10-day appeal period. If the appeal period ends on a weekend or a Town government holiday, the appeal period is extended until the end of the next Town business day.

Land use decisions do not become effective for a period of time after the decision is made to provide time for the filing of an appeal. The land use decision becomes effective the day after the appeal period has ended unless an appeal has been filed or a Town Council member has requested the review of the land use decision. The land use decision shall be placed on hold pending the final decision on the appeal.

WHO MAY FILE AN APPEAL?

A land use decision may be appealed by the applicant or any interested person who submits a complete appeal request application. The Town Manager may appeal any decision of the Zoning Administrator or the Planning Commission. The Town Council, by majority vote, may appeal any decision of the Community Development Director, Zoning Administrator and Planning Commission. A Council member must request within the 10-day appeal period the opportunity to review and discuss the decision rendered by the Director, Zoning Administrator or Commission, and this request will be considered by the Council at their next available meeting. A majority vote of the Council is required to initiate the appeal.

HOW YOUR APPEAL WILL BE PROCESSED

The steps involved in reviewing your appeal are summarized below:

1. When an appeal has been filed with all information listed in the "Appeal Submittal Checklist" below, the Community Development Director will review the appeal to determine if it has been filed within the applicable appeal period and the information in the appeal request is complete. If the appeal has not been timely filed, the appeal will be rejected for processing. If the appeal is incomplete, the Director will notify the appellant of the information that is required to complete the appeal, and the appellant will have seven days to provide the additional information. If the appellant does not submit the additional information within seven days of being notified, the appeal will be rejected for processing.

2. When an appeal has been filed and determined to be timely and complete, the Director will schedule the appeal for consideration by the appropriate appeal body. Appeals of decisions by the Community Development Director are considered by the Planning Commission, while appeals of decisions by the Zoning Administrator and Planning Commission are considered by the Town Council.
3. If the land use decision being appealed originally required a public notice, a public hearing notice will be published in the newspaper and/or provided by mail to surrounding property owners and other interested parties. Town staff will then complete a staff report that includes a staff recommendation on the approval or denial of the appeal and the land use decision being appealed. The staff report on the appeal will be provided in writing to the appellant and applicant at least five days prior to the appeal hearing.
4. For those applications for which the Planning Commission or Town Council is the review authority, a sign(s) with the notice shall be posted on or near the location of the real property no later than 15 days after the application is determined complete. Please see Truckee Development Code Chapter 18.180 for more information.
5. At the appeal hearing, the appeal body will consider the staff report and all written and verbal input submitted on the appeal by the appellant, applicant and any other interested party. The appeal body may consider any issue involving the matter being appealed in addition to the specific grounds of the appeal. At the conclusion of the hearing, the appeal body may affirm, affirm in part, or reverse the land use decision of the original review authority. The appeal body may impose additional conditions that may address issues of the appeal.
6. Any decision made by the Planning Commission on an appeal may be appealed to the Town Council.

FEES

The filing fee for an appeal to **Planning Commission is \$830.00**. The filing fee for an appeal to **Town Council is \$1,241.00**.

SUBMITTAL REQUIREMENTS

The items listed in the "Appeal Submittal Checklist" must be submitted as part of the application package in order for an appeal to be considered complete for processing. The signed checklist must also be submitted with the appeal. Your appeal will not be accepted if all of the items listed are not submitted.

Electronic files may be submitted by email (if less than 15 MB) or Dropbox to PlanningDivision@townoftruckee.gov. The application fee may be paid over the phone with a credit card, by mailing a check to the Planning Division, or via an in-person payment at Town Hall with cash, check or credit card. Checks must be made payable to the Town of Truckee.

Applicant must fill out the checklist below by placing a check mark in the boxes listed under Column A (for Applicant) and signing below. Column S is for staff to verify that your submittal requirements have been met. Your application will not be accepted if all items listed below are

not submitted.

A S

- 1. Completed Appeal Application.
- 2. Appeal Request Form.
- 3. Filing fee. Checks must be made payable to the Town of Truckee; cash and credit cards are also accepted.

Applicant Signature: Lloyd Garden
I certify that I have completed and have included all material checked above in the attached application submittal.



APPEAL REQUEST FORM

Project Number/Name of Decision being Appealed: Prohibited Sign– Case No. 2026-00000001

Type of Decision: (i.e. similar use determination, use permit, tentative map, variance, etc.)

Director's Determination / Interpretation of Sign Regulations

Description of Decision: Determination that an interior, window-adjacent digital display installed at Martis Valley Massage & Spa

constitutes a prohibited sign under the Truckee Development Code and must be removed.

I/we hereby appeal the decision as follows:

Appeal Description (Attach additional sheets if necessary):

- 1. Detail what is being appealed and what action or changes you seek. Specifically address the findings, mitigation measures, conditions and/or policies with which you disagree.

I am appealing the Director's Determination classifying our interior digital display as a prohibited sign. I respectfully disagree with the finding

that the display constitutes advertising or signage rather than interior décor and digital art. The display shows only slow-moving, non-textual, ambient imagery, with no pricing, branding, menus, or calls to action.

- 2. State why you are appealing—be specific. Reference any errors or omissions. Attach any supporting documentation.

See attached

- 3. Please provide a summation of your arguments in favor of the appeal.

See attached

- 4. State the changes or action requested of the appeal body.

See attached.

I/we certify that I/we are the: [X] Legal owner(s) [] Authorized Legal Agent(s) [] Other Interested Persons

Name: Lloyd Garden Telephone: 720 951 9920

Address: 10001 Soaring Way Suite 130, 140, 150 Truckee, CA 96161

Appellant(s) Signature: Lloyd Garden

Continuation of Application

I/we hereby appeal the decision as follows:

1. Detail what is being appealed and what action or changes you seek

I am appealing the Director's Determination classifying our interior digital display as a prohibited sign. I respectfully disagree with the finding that the display constitutes advertising or signage rather than interior décor and digital art. The display shows only slow-moving, non-textual, ambient imagery with no pricing, branding, menus, messaging, or calls to action. It was commissioned as part of our interior design and is not intended to advertise or identify a business, product, or service.

The display faces a private parking area serving our business and neighboring tenants, not a public street, sidewalk, or Town right-of-way, and is not oriented toward public circulation or passersby.

I seek reversal of the determination or, in the alternative, modification to allow the display to remain under reasonable conditions that reflect its artistic, non-advertising purpose. I'd also like to see the town update it's codes on signage.

2. State why you are appealing — be specific

I am appealing for the following reasons:

- **Misclassification as signage:** The determination treats the display as advertising based primarily on visibility through a window rather than on content or intent. This conflicts with the Code's exclusion for works of art not intended to advertise or identify a business or product. The display contains no text, no changeable copy, and no flashing or attention-seeking animation and does not function as a reader board.
- **Inconsistent enforcement:** Numerous businesses in Truckee display illuminated, electronic, or exterior-facing screens, neon brand signs, and other window-visible displays that appear more overtly commercial than our art-based installation. Staff has acknowledged that some of these installations were never reviewed or approved, yet our business is being required to remove ours

immediately. This raises concerns about unequal treatment and inconsistent application of the Code.

- ADA and feasibility constraints: The proposed remedy to relocate the display more than three feet from the window is not feasible due to the physical configuration of our lobby and existing ADA circulation requirements in an already fully permitted space.
- Reliance on long-standing practice: Illuminated and electronic displays, including neon brand and beer signs, have existed openly throughout town for many years. Whether or not those installations technically comply today, their long-standing presence reflects how the Code has historically been interpreted and applied in practice.

Supporting documentation includes photographs of comparable installations and correspondence with Town staff. See attached.

3. Summation of arguments in favor of the appeal

I am not asking for special treatment. I am asking for equal treatment. Our display is interior digital art, not advertising. It does not promote products, prices, or services, does not communicate a message, and is not designed to attract public attention. When similar or more overtly commercial installations remain elsewhere while our display is singled out for immediate removal, it creates the appearance of selective and arbitrary enforcement. A fair and objective application of the Code requires either uniform enforcement or reconsideration of this determination in light of intent, established practice, and real-world constraints.

4. State the changes or action requested

I respectfully request that the Planning Commission:

- Reverse the Director's Determination and allow the display to remain as interior digital art; or
- Modify the determination to permit the display under reasonable conditions consistent with its non-advertising, artistic purpose; or
- Provide clarification that ensures consistent interpretation and enforcement of the Code across similarly situated businesses.

Letter to Planning Commission

Dear Members of the Planning Commission,

My name is Lloyd Garden, and I am the owner of Martis Valley Massage & Spa, which I operate with my wife. We are longtime locals who have invested deeply in our small business and in the Truckee community. We care about doing things the right way, following the rules, and being good neighbors. I am writing to respectfully request your review of the Director's Determination requiring removal of an interior digital display from our business.

The display at issue is not a sign. It shows only slow-moving, non-textual, ambient imagery intended to reflect the interior atmosphere of our spa, almost all of which is not visible from the exterior. There is no pricing, branding, menu information, messaging, or call to action of any kind. The imagery was commissioned as part of our interior design and functions as digital art and décor rather than advertising. Classifying this display as a prohibited sign based solely on its visibility through a window misunderstands both its purpose and its content.

Importantly, the display does not communicate a message. It does not instruct, promote, or advertise. It serves the same purpose as other interior design elements such as artwork, lighting features, or architectural finishes. The fact that it is digital should not, by itself, convert interior décor into signage. The Development Code excludes works of art, and we believe this display fits squarely within that exclusion. I would also like to note that the display faces a private parking area serving our business and neighboring tenants, not a public street, sidewalk, or Town right-of-way. It is not oriented toward public circulation areas or designed to attract passersby.

We also respectfully disagree with the characterization of the display as an electronic reader board or prohibited animated sign. The display contains no text, no changeable copy, and no flashing or attention-seeking animation. The imagery moves slowly and continuously in an ambient manner, similar to a moving mural or video artwork, and does not

function in the way reader boards or animated signs are typically understood under the Code.

Additionally, this is not a standard consumer television that can simply be moved elsewhere. It is a commercial-grade window display specifically designed for architectural direct sunlight storefront use, with automatic brightness adjustment based on ambient light conditions. It was intentionally selected and professionally installed as part of our interior build-out, reinforcing that it was designed as a permanent architectural and artistic element rather than a promotional device. We have over \$15k invested into the display, install, content creation and execution.

What has been most difficult for us is the lack of consistency in how this interpretation appears to be applied. Throughout Truckee, there are numerous examples of illuminated and electronic displays that appear more overtly commercial in nature, including exterior-mounted televisions at restaurants, multiple neon beer and brand signs at bars, illuminated menu boards, and other window-visible displays that have existed openly for many years. Staff has acknowledged that some of these installations were never reviewed or approved, yet our business has been required to take immediate corrective action to this level while those other displays remain in place and without warning. I am attaching updated documentation showing these examples for the Commission's reference as there are many of them.

I want to be clear that I am not raising these examples to request enforcement against other businesses. I understand how challenging it is to operate in a small mountain town, and that is not my intent. My concern is fairness and equal treatment. When a new interpretation is applied strictly to one business while long-standing and similar installations elsewhere are allowed to remain, it creates the appearance of uneven and arbitrary application of the Code.

This concern is reinforced by my broader experience with Town Planning and Code Compliance. In other matters, I have been required to bring issues into compliance immediately, while similar situations elsewhere have been allowed to persist for extended periods. For example, with respect to accessory dwelling units, I was required to stop renting and bring my unit into compliance right away, while units at the Alpine

Apartments, my direct neighbor, continued to be listed and re-rented despite remaining out of compliance. (I had provided code compliance of screen shots of these listings) In another instance, I raised concerns regarding persistent exterior lighting at Truckee Pediatric Dentistry that was impacting neighboring properties. While the lights were briefly turned off, they have remained on nightly for the past year despite clearly being outside of title 24 compliance. I share these examples not to complain about neighbors, but to illustrate why consistency in interpretation and enforcement is especially important to me in this appeal.

There are also real-world constraints in this case that have not been fully addressed. We were told that moving the display three feet back from the window would resolve the issue. However, due to the physical layout of our lobby and existing ADA circulation requirements in a fully permitted space, relocation is not feasible without creating accessibility conflicts. We complied fully with accessibility standards during our build-out, and we should not now be placed in a position where compliance with one regulation would require violating another. Additionally, a three-foot setback would not materially change visibility, as the display would still be visible from the private parking area. Furthermore, the display itself is built to be on or within 1' of a window per its manufacture guidelines. Again it is not a television.

We also want to be clear that we are open to reasonable compromises if the Commission believes conditions are appropriate. We would be willing to limit operating hours so the display is turned off in the evening, reduce brightness levels beyond current automatic ambient controls, adjust or remove any imagery featuring people, and limit content exclusively to abstract or architectural visuals. We are open to working collaboratively with staff on any conditions that would further clarify the display's role as interior art rather than advertising.

We recognize that the Town has an important interest in preventing excessive video advertising and preserving Truckee's small-town character. We share that goal. At the same time, the current sign regulations appear to be written around older technologies such as neon and static illuminated signs and do not clearly distinguish between advertising and modern, energy-efficient interior digital art. As design and technology evolve, updated guidance or interpretation could help maintain

that character while clearly distinguishing promotional signage from non-advertising architectural displays like ours.

Our intention has never been to bend the rules. We simply want to operate in a way that is creative, respectful of the community, and consistent with how other businesses are treated. I am not asking for special treatment. I am asking for equal treatment.

I respectfully request that the Commission reconsider the Director's Determination and either allow our display to remain as interior digital art, modify the decision to permit it under reasonable conditions consistent with its non-advertising purpose, or provide guidance that ensures the Code is applied uniformly across similarly situated businesses.

Thank you for your time, for your service to our community, and for the opportunity to be heard in a transparent and public forum.

Sincerely,
Lloyd Garden
Owner, Martis Valley Massage & Spa