



PLANNING COMMISSION STAFF REPORT

Meeting Date:

May 19, 2026

To: Town of Truckee Planning Commission

From: Lucas Kannall, Assistant Planner

RE: Application No. 2026-00000005/APL (Martis Valley Massage Unpermitted Sign Appeal)

Approved by: Denyelle Nishimori, Community Development Director

Recommended Action: That the Planning Commission adopt Resolution 2026-05 thereby taking the following actions:

- Determine the Community Development Director's determination exempt from the California Environmental Quality Act (CEQA) Guidelines per Section 15061(b)(3) (Common Sense Exemption) which states that CEQA applies only to projects that have the potential to cause significant effects on the environment.
- Deny the appeal of the Community Development Director's Determination that the digital display is a window sign and that could not be approved under current Development Code regulations.
- Uphold the decision of the Community Development Director in requiring the removal of the unpermitted sign in violation of Development Code, Chapter 18.54 (Signs).

Background: On December 31, 2025, the Code Compliance Division contacted the appellant, the owner of Martis Valley Massage, Mr. Lloyd Garden to let him know that an unpermitted digital display installed in the window of his business, facing the parking lot, was a prohibited sign type. The sign shows moving videos of imagery depicting people receiving spa services amongst other imagery. Digital displays are a prohibited sign type as described in the Development Code and the sign was requested to be removed as it cannot be permitted. In his subsequent response, Mr. Garden expressed concerns that he was being "singled out" by Town staff and disagreed with staff's determination that the sign is not allowed. On January 8, 2026, a Director's Determination (Attachment #2) was issued determining the sign to be in violation of the sign regulations contained within the Development Code and provided Mr. Garden 10 days to appeal the decision. Mr. Garden's timely appeal was received on January 16, 2026, making the following arguments:

1. The digital display is not a sign, but rather interior décor and digital art.
2. Other businesses have digital displays that are not being addressed.
3. The dirt lot next to 10001 Soaring Way is no longer allowed to be used for parking despite other dirt parking lots being used in close proximity.

These three items will be discussed in further detail below.

Directors Determination Process: Decisions made by Town Staff at the direction of the Community Development Director may be appealed to the Planning Commission by any person as allowed by Development Code, Section 18.140.020 (Allowable Appeals). At the hearing, the appeal body (Planning Commission) may consider any issue involving the matter being appealed, in addition to the specific grounds for the appeal.

Location: The property is located at 10001 Soaring Way (APN 019-620-065-000). It is located 0.17 miles south of the Truckee Tahoe Airport and .05 miles north of State Highway 267.

Project Site Information: The project parcel is located within the Joerger Ranch Specific Plan and is zoned Regional Commercial (CR). This zoning is intended to create land opportunities for businesses with region-serving products and services.



Figure 1: Project Location



Figure 2: Digital Display Sign



Figure 3: Arrow Showing Sign Location Within Complex

Appeal Details: On January 16, 2026, the appellant filed a timely appeal to the Director's Determination issued in response to their digital display on January 8, 2026. The appeal application (Attachment 4) identifies three items that the applicant believes are being incorrectly applied to the display, which are addressed below:

- 1. Appellant Statement: The digital display is not a sign, but rather interior décor and digital art. The display is being determined to be a sign based on placement, rather than content or intent.**

Staff Response: The digital display installed in the window of Martis Valley Massage falls under three different categories of prohibited signs (18.54.050.D, I and J), as described in the Director's Determination and discussed below.

Development Code Section 18.54.060 (Prohibited Signs)

D. Animated, moving, flashing, blinking, reflecting, revolving or other similar signs, except barber poles.

Staff Note: *Animated or moving signs are defined as a sign which uses movement, lighting, or special materials to depict action or create a special effect to imitate movement. The display at Martis Valley Massage meets this definition because it has revolving/moving content and an animated display.*

- I. *Changeable copy signs, except as approved for service stations by the review authority, and except for black background chalkboard signs using erasable chalk.*

Staff Note: *Changeable copy signs are defined as a sign designed to allow the changing of copy through manual, mechanical or electrical means. The digital display meets this definition because it allows for the display to be changed and its content can be instantly modified through electrical means.*

- J. *Electronic reader board signs.*

Staff Note: *Electronic reader board signs are defined as a sign with a fixed or changing display composed of a series of lights. The installed animated screen meets this definition because it contains a changing pixilated display.*

In addition to a list and definitions of prohibited signs, the Development Code defines a sign as the following:

Sign. *A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide information in the nature of advertising, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or product. Does not include product displays immediately behind windows that provide no other advertising of the product (i.e., with prices or other signs or information).*

The Development Code further defines a window sign as the following:

Window Sign. *A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign which faces a window exposed to public view and is located within three feet of the window.*

Staff Note: *The installed animated screen is affixed in a window facing outward and is positioned less than three feet from the window so by definition this is a window sign. The display is directed into a public area, with public view, that serves Soaring Ranch shopping center customers, not exclusively Martis Valley Massage customers and is positioned within three feet of the window glass. Note that the Town is prohibited from regulating sign content—only the criteria listed above from the sign chapter can be applied (e.g. - size, height, design, quality of materials, construction, location, lighting and maintenance of signs and sign structures). These regulations negate Town discretion on what is displayed on a sign. The digital display meets the definition of a window sign due to its positioning in the window and the audience it is directed toward.*

2. Appellant Statement: Other businesses have digital displays that are not being addressed. Sign regulations are being inconsistently enforced and numerous other businesses in Truckee use illuminated, electronic, or exterior facing screens.

Staff Response: *The Town of Truckee Code Compliance Division is primarily complaint-based and addresses unpermitted or illegal signs as they are reported or discovered. A majority of the signs shown in the appellant's sign exhibit are not categorized as prohibited signs, such as neon signs, or TVs which are not directed toward public areas. Ten pages were included in the appellant's sign exhibit and those are detailed below along with staff responses:*

A. Page 1 shows a TV mounted in the outdoor bar at 1882 and TV mounts that are not currently in use at the outdoor eating area of Blue Coyote.

- **Staff Note:** *Both of these displays would not meet the definition of a window sign since they are not mounted within three feet of a window. Additionally, the television displays are directed towards customers. It should be noted that the outdoor eating area at Blue Coyote has not been approved and was removed after being contacted by the Code Compliance Division shortly after this appeal was submitted.*

B. Page 2 depicts two real estate offices with what appears to be digital illuminated displays in the window and a television inside of the business showing real estate listings.

- **Staff Note:** *The digital displays showing real estate listings would be a prohibited sign type and could not be approved. These signs would fall into the same category as the Martis Valley Massage window display and would require removal if reported to Code Compliance. The Code Compliance Division was able to look into both of the signs shown on this page, and found that the signs at Chase International Realty were pictures that are allowed under the definition of window signs, and the other real estate business is no longer in this location and the signs are no longer present.*

C. Page 3 shows televisions inside of two businesses, one of which is Engel and Völkers and the other is unknown.

- **Staff Note:** *These televisions are located three feet or more from the window and would not be considered signage intended for advertising. These televisions are directed at clients within the building and not directed at the general public.*

D. Pages 4 through 10 shows various businesses throughout town with neon window signs directed at the general public.

- **Staff Note:** *Development Code, Section 18.54.070.H allows for the use of neon signs as long as they are restricted to 50 percent of the area allowed by the sign type (e.g. ground-mounted, monument, wall, projecting, etc.) Because of this, some of the signs depicted in the appellant's exhibit may be approved, although some of the businesses are exceeding the allowable size for this sign type, as well as the allowable quantity. If reported to Code Compliance, the necessary research could be conducted to see if the signs are approved and meet the minimum standards.*

3. Appellant Statement: The dirt lot next to 10001 Soaring Way is no longer allowed to be used for parking despite other dirt parking lots being used in close proximity.

Staff Response: Pages 11 through 14 of the appellant's sign exhibit relates to the inability of customers to park on an adjacent unimproved parcel located at 10501 Soaring Way (APN 019-620-066-000). Staff believes the appellant raised this issue to identify potential inconsistencies in code enforcement, however because code compliance is primarily complaint-driven (at the direction of Town Council), if there was no complaint filed on a seemingly similar situation, it would not have a record of enforcement action. The inability to park on the unimproved lot at 10001 Soaring Way was due to code compliance as the result of a complaint. Parking on airport property is not subject to Town of Truckee regulations. Code Compliance is actively working with multiple property owners within the Railyard Master Plan to boulder off undeveloped lots to curb parking on dirt as a result of a complaint. The Town has not received a complaint regarding use of the rodeo grounds or adjacent property or parking along Glenshire Drive; any land within 200-feet of railroad mainline is subject to Union Pacific authorization and their own enforcement process.

The appellant also requested that the Planning Commission make the following considerations:

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

Sign Regulation Overview

Development Code Chapter 18.54 regulates signs within Town limits to safeguard life, health, property and public welfare, and to preserve the unique character of the Town. These standards are intended to:

- A. Provide a reasonable and comprehensive system of sign controls.
- B. Encourage signs that are well designed and pleasing in appearance by providing incentives and latitude for variety, good design relationship, spacing and location.
- C. Encourage a desirable Town character with a minimum of clutter, while recognizing the need for signs as a major form of communication.
- D. Provide for fair and equal treatment of sign users.
- E. Provide for maximum public convenience by properly directing people to various activities and businesses.
- F. Promote public safety by providing that official traffic regulation devices be easily visible and free from nearby visual obstructions, including blinking signs, excessive number of signs, or signs that in any way resemble official signs.

In order to maintain a safe and desirable environment, the Town has listed allowable sign types along with their minimum standards and several types of signs that are prohibited to be displayed at any time. These include animated, moving, flashing, blinking, reflecting, revolving, or similar signs; changeable copy signs; and electronic reader board signs.

Regulation of Sign Content

In 2015, the United States Supreme Court ruled in the landmark case, Reed v. Town of Gilbert, that municipal ordinances may only regulate sign content under very specific circumstances which are tailored to further a compelling government interest, such as political signs. The Supreme Court determined that regulation of content for general signs, was a violation of free speech and regulations would be

considered content based if they cannot be justified without reference to the content of the regulated speech or if they were adopted because of disagreement with the message the speech conveys.

Due to this ruling, the Town's Development Code is generally agnostic as to the content of a sign but rather regulates the location and aesthetics of the sign in an effort to safeguard life, health, property and public welfare. Due to this, the content of the digital display located in the window of Martis Valley Massage would not be considered but rather the medium used and placement of the display would be considered to determine if it is a sign or public art. Because the Town does not have the discretion to regulate content, signs are assessed by their dimensions, style of construction and placement. The digital display being mounted within a window is what makes it a window sign and it cannot be considered art.

Allowable Sign Placement

Due to the inability to regulate sign content, displays mounted within three feet of a window and which are directed at the general public are considered signs as dictated by the Development Code. The definition for a window sign states, "An interior sign which faces a window exposed to public view and is located within three feet of the window." Therefore, moving the digital display three feet or more away from the building's windows would allow it to remain and not be considered a window sign. As shown in **Figure 4** below, the areas highlighted in yellow would allow for the display to be mounted within the building and not be considered a window sign. The current sign location is shown in purple and is currently mounted in a manner that is directed at the general public and which thereby constitutes a window sign.



Figure 4: Allowable Sign Locations

In addition to the display being a sign because of its placement in the store window, and being prohibited due to the animation of the sign, window signs are prohibited from producing light other than one allowable stationary neon sign per building. Martis Valley Massage has two neon signs, in violation of the sign code, as well as the unpermitted window sign which is animated and produces light.

Overview of Appeal Process: In accordance with Development Code Chapter 18.140 (Appeals), any determination or action by a Town decision-maker can be appealed, and the Community Development Director's decisions are appealable to the Planning Commission. Decisions of the Planning Commission area appealable to the Town Council. The decision of the Council shall be final on all matters unless an appeal is filed with the Nevada County Superior Court within 30 days. At the hearing, the appeal body may consider any issue involving the matter being appealed, in addition to the specific grounds for appeal which are articulated in the appeal application and appellant sign exhibit (Attachments 4 and 5). In

accordance with Section 18.140.030.E (Filing and Processing of Appeals, Action), the appeal body may, by resolution, affirm, affirm in part, or reverse the action, the decision, or determination of the original review authority. The Planning Commission should consider whether the Community Development Director has correctly interpreted the Town's Development Code, correctly applied the Development Code, and made a determination that is consistent with the Development Code.

The appellant and other interested parties shall not present new evidence or testimony at the appeal hearing unless the party can demonstrate, to the satisfaction of the appeal body, that new information:

- (a) Was not previously available to the party; or
- (b) The party could not have participated in the review process because they could not have known about the review process.

If new or different evidence is presented on appeal, the Commission, may, but shall not be required to, refer the matter to the original review authority for further consideration.

What information is provided during consideration of an appeal?

In addition to the appellant's submittal requesting the Commission overturn the Community Development Director's decision, the Commission will receive a copy of the appellants application explaining their opposition to the Director's Determination as well as their sign exhibit depicting what they assert are similar signs at other businesses in Town as well as their desire to utilize an adjacent unimproved parcel for customer parking. The Commission should only review information pertinent to the unapproved digital display, as this is the only item being appealed.

Environmental Review: Staff has determined the appeal to be exempt pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) which states that CEQA applies only to projects that have the potential to cause significant effects on the environment. Staff is requiring that the sign be removed, which would have no foreseeable environmental impacts.

Summary: The appellant requests that the Director's Determination be overturned and their digital display be considered as art. Staff does not have the discretion to consider the digital display as art, since the Supreme Court ruling states that the Town cannot regulate the content of signs. Due to the digital display being mounted within a window, it has to be considered a window sign in accordance with the definitions in the Development Code and due to the style of sign, it cannot be approved. Unless the display is mounted more than three feet from any window and not directed at the general public, by definition, it is a sign and has to meet the requirements of Development Code, Chapter 18.54 (Signs). Staff recommends that the Director's Determination be upheld due to the digital display meeting the definition of a window sign as well as qualifying as three prohibited sign types. Staff also recommends that the decision be found exempt from California Environmental Quality Act (CEQA) Guidelines per Section 15061(b)(3) (Common Sense Exemption) and that the appeal be denied based on the digital display being in violation of Development Code, Chapter 18.54 (Signs).

Attachments:

1. Resolution 2026-05
2. January 8, 2026 Director's Determination
3. Martis Valley Massage Digital Display Pictures
4. Appeal Application
5. Appellant's sign exhibit
6. Development Code Sign Regulations