

## PLANNING COMMISSION STAFF REPORT

Meeting Date: April 19, 2022

To: Town of Truckee Planning Commission

From: Laura Dabe, Associate Planner

RE: Application 2022-00000032/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

Approved by: Jenna Gatto, Planning Manager

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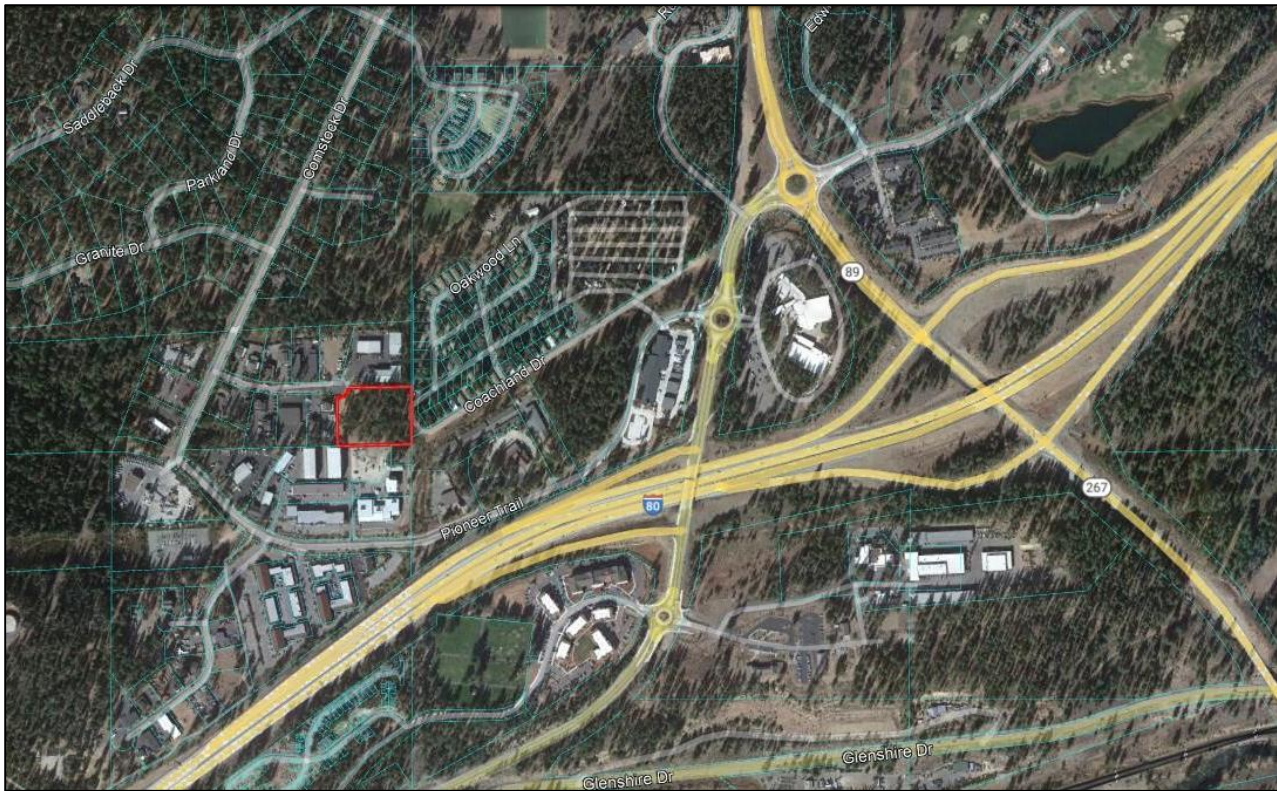
**Recommended Action:** That the Planning Commission adopt Resolution 2022-07, approving a one-year time extension for the previously approved Industrial Way Mixed-Use Project, and determining the project to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3)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

**Project Summary:** 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.

**Major Discussion Topics:** Can the required findings to approve the requested Time Extension be made?

**Planning Commission's Role:** 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 Industrial Way Mixed-Use Project; therefore, the Planning Commission is the review authority for the Time Extension request.

**Location/Setting:** The project site is Lot 6 of the Truckee Industrial Park Subdivision located at 10969 Industrial Way (APN 019-700-006-000), north of the Pioneer Commerce Center subdivision. The parcel is 2.68 acres in size, with access provided off Industrial Way. The site is surrounded by developed industrial parcels to the north, west and south, and residential uses to the east (the Coachland Mobile Home Park). The site is located in the M (Manufacturing) zoning district and the IND (Industrial) General Plan land use designation.



**Figure 1: Project Location**

**Project Site Information:**

General Plan Designation: IND (Industrial)  
Zoning District: M (Manufacturing)  
Project Area: 2.68 acres (116,740.80 square feet)  
Utilities: Public sewer and water

**Discussion/Analysis:**

***Background***

The Industrial Way Mixed-Use Project was approved by the Planning Commission on May 19, 2020 (Town of Truckee Application #2019-00000175; Commission Resolution 2020-05). The project included 28,336 square feet of general manufacturing space and a nine-unit apartment building located at 10969 Industrial Way (APN 019-700-006-000) 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;
- 2) **Zoning Clearance** for permitted uses in the M (Manufacturing) zoning district, including general manufacturing space and multifamily dwellings in a commercial/industrial project; and
- 3) **Sign Plan** to approve signage for the multiple tenant site.

The approved project included the following:

- Building A: eight tenant spaces and 11,554 square feet of general manufacturing space;
- Building B: 12 tenant spaces and 16,782 square feet of general manufacturing space;
- Building C: a nine-unit multifamily residential building with 5,877 square feet of interior floor space, featuring one-bedroom rental apartment units of 653 square feet, including one inclusionary housing unit and two workforce housing units; and

- 54 parking spaces for the manufacturing uses (including two ADA-accessible spaces) and nine parking spaces for the residential uses (six garage spaces for the market-rate units and three uncovered spaces for the affordable units, with one uncovered ADA-accessible space).

The Planning Commission took action to adopt Resolution 2020-05, approving the Industrial Way Mixed-Use Project. (See Attachment #4 for links to the May 19, 2020 staff report, meeting minutes and final Resolution 2020-05.) As identified in Condition of Approval #2, the effective date of approval for the project was June 1, 2020.

In accordance with the Town's timeframes for land use entitlements pursuant to Development Code Section 18.84.050 (Time Extensions), the project approvals expire on June 1, 2022 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 complete construction of the proposed project.

According to the applicant letter, the Time Extension is requested due to delays associated with building permit processing, including COVID and other processing delays. The letter states that the applicant team submitted final plan check comments in July 2021 and planned to start construction before the winter, but technical delays prevented them from making progress before the winter.

To clarify the building permit processing timeline, staff has provided the following summary:

- **December 7, 2020:** Building permit application submitted.
- **December 23, 2020:** Building permit created.
- **January 15, 2021:** First round of Engineering Division corrections.
- **January 29, 2021:** First round of Planning and Building Division corrections.
- **March 29, 2021:** Second submittal.
- **May 5, 2021:** Second round of Building, Planning and Engineering Division corrections.
- **July 2021:** Third submittal (submitted during cyber incident).
- **August 17, 2021:** Third submittal processed.
- **August 24, 2021:** Grading permit issued.
- **September 3, 2021:** Third round of Building, Planning and Engineering corrections.
- **October 5, 2021:** Fourth submittal.
- **December 27, 2021:** Fourth round of Building Division corrections.
- **March 9, 2022:** Final corrections addressed; building permit issued.

As noted in the above timeline, a grading permit for the project was issued in August 2021 and the building permit was issued in March 2022.

The applicant letter notes that the applicant has installed the sewer system. Once the site is ready in the spring, the applicant plans to move forward with completing the infrastructure work followed by the foundation work for the structures.

The applicant initially requested a six-month time extension to complete this work; however, staff recommended a one-year time extension to allow the applicant additional time to complete the required work without needing to request additional time extensions.

### ***General Plan Consistency***

The Industrial Way Mixed-Use Project was approved under the 2025 General Plan, which remains in effect at this time. No changes are proposed to the approved project, and no new General Plan policies have been adopted since approval of the project. It is staff's opinion that the project remains consistent with the adopted 2025 General Plan.

There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan and Development Code apply to the project. Additionally, all applicable special districts, utility companies, and Town departments with an interest in this application have been notified. No objections were filed and no new concerns were raised.

### ***Development Code Consistency***

Staff reviewed the Time Extension application for consistency with the relevant Development Code standards, as discussed below.

#### *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 one-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, staff believes the applicant has made a good faith effort to effectuate the land use entitlements by pursuing building permit issuance. As noted above, staff recommends a one-year time extension to allow the applicant additional time to complete the work that is required to establish the use, consistent with the requirements of Section 18.84.055.

#### *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, except as identified below:

Bicycle Parking

The requirements of Development Code Section 18.48.090 (Bicycle Parking and Support Facilities) were updated in May 2021. At the time the project was approved, the bicycle parking requirements were a total of three spaces, as identified in Condition of Approval #31:

*31. A minimum of three bicycle parking spaces are required in accordance with Development Code Section 18.48.090 (Bicycle Parking and Support Facilities). Each bicycle parking space shall include a stationary parking device, mounted to the ground, to adequately support the bicycle. Each bicycle space shall be a minimum of two feet in width and six feet in length and have a minimum of seven feet of overhead clearance, and shall be conveniently located and generally within proximity to the main entrance of a structure; and be separated from motor vehicle parking spaces or aisles by a fence, wall or curb, or by at least five feet of open area, marked to prohibit motor vehicle parking.*

The current Development Code requires bicycle parking for multi-family and non-residential uses based on the following standards:

- 1. Multi-family bicycle parking.** All multi-family residential projects shall provide long-term bicycle parking spaces at a rate of one space per residential unit, with additional short-term bicycle parking provided for guests at a rate of one space per ten residential units (a minimum of two guest spaces shall be provided in all cases). Guest parking requirements may be waived by the Director for residential units located within a mixed-use project. Residential units with fully enclosed garages are exempt from the long-term bicycle parking requirement.
- 2. Non-residential bicycle parking.** All non-residential projects shall provide bicycle parking spaces at a rate of fifteen percent of the number of vehicle parking spaces required by Section 18.48.040 (Number of Parking Spaces Required) and as calculated before any parking reductions are applied through a Planned Development, density bonus, or shared use reduction. A minimum of three spaces is required in all cases.

Following are the current bicycle parking demands that apply to the mixed-use project, per Development Code Table 3-11 (Bicycle Parking Requirements by Land Use):

Type of Land Use	Short-Term Parking	Long-Term Parking
<b>RESIDENTIAL USES</b>		
Multi-family residential projects and residential units within mixed-use projects	1 spaces per 10 units (minimum 2 spaces)	1 space per unit <sup>1</sup>
<b>NON-RESIDENTIAL USES</b>		
All non-residential uses, other than public/community uses.	15% of required parking spaces per Development Code Chapter 18.48 (minimum 3 spaces) <sup>2</sup>	

The project was approved with a total of 56 spaces for the industrial uses and nine multi-family residential units (six units with enclosed garages; three units with uncovered parking spaces). As noted above, residential units with fully enclosed garages are exempt from the long-term parking requirements.

Based on the current standards, the following calculations apply to the project:

- Manufacturing uses: 8 short-term spaces (15% x 54 = 8.1, rounded down to next whole number per Development Code Section 18.03.020.C, Calculations–Rounding)

- Multi-family residential uses:
  - Short-term parking: 2 spaces (9 / 10 = 0.9 space; minimum 2 spaces required)
  - Long-term parking: 3 spaces (1 x 3 units without enclosed garages)
- **Total: 10 short-term spaces and 3 long-term spaces**

The Development Code defines short-term bicycle parking as spaces intended for periods of two hours or less that are targeted to visitors, customers and other short-term users. Racks or devices that allow secure locking should be located in a visible location, as near as possible to entrances. Long-term bicycle parking is defined as storage intended to be used for periods longer than two hours, which are targeted to residents and other long-term users. The storage is required to be either located within a locked enclosure that is covered from the elements or within a secure area internal to a building and located at ground level.

In order to ensure compliance with the Town's current bicycle parking requirements, staff recommends Condition of Approval #2.D, requiring the project to comply with all requirements of Development Code Section 18.48.090 (Bicycle Parking and Support Facilities).

### Workforce Housing

Development Code Section 18.216 (Workforce Housing) was amended in January 2021 to provide clarity in the Town's workforce housing requirements. The revised Code language specifies that deed restrictions for workforce housing units are required to include two components, as summarized below:

- **Component 1:** Employee preference. Employees of the nonresidential business for which the workforce housing units are required shall have first right-of-refusal; and
- **Component 2:** If employees of the nonresidential business for which the workforce housing units are required do not rent the workforce housing units, then 100% of the units shall be affordable to low income households, or one-third of the units shall be affordable to very low income households, one-third shall be affordable to low income households, and one-third shall be affordable to moderate income households.

The above language was intended to clarify that both of these components are required as part of the workforce housing deed restriction. Additionally, it clarified that the employee preference is intended to allow first right-of-refusal to employees of the business that generates the workforce housing demand—and that if those employees do not rent the units, the affordability requirements then apply.

As part of the project approval, the conditions of approval identified that the deed restriction for the project's two workforce housing units should identify either an employee preference or an affordability restriction, as described in Condition of Approval #34:

34. *Prior to building permit issuance, a workforce housing proposal shall be approved by the Community Development Director in compliance with Development Code Chapter 18.216 (Workforce Housing). Manufacturing uses require a FTEE (full-time equivalent employee) calculation of 1 FTEE per 1,000 square foot of gross floor space. The project will construct 28,336 square feet of industrial floor area, which equates to 28.36 FTEE (28,336/1000). Industrial projects with 20,000 to 39,000 square feet and 20 to 40 FTEE are required to provide workforce housing equivalent to seven percent of the FTEE calculation, which results in two workforce housing units (28.36\*0.07).*

*The applicant proposes to construct two workforce housing units. The applicant shall record a deed restriction on the workforce housing units identifying either an employee preference (i.e., employees have first right-of-refusal for the workforce housing units) or affordability restriction (i.e., if employees do not rent the workforce housing units, then 100 percent of the units shall be affordable to low income households, or one-third of the units shall be affordable to very low income households, one-third shall be affordable to low income households, and one-third shall be affordable to moderate income households). The deed restriction shall also prohibit transient*

*rentals (i.e., those for 30 days or less) and require that the units be occupied as the primary residences of the occupants.*

*Prior to building permit issuance, the draft deed restriction shall be reviewed and approved by the Community Development Director. Recordation of the deed restriction is required prior to issuance of temporary or final certificate of occupancy.*

To ensure compliance with the Town's current workforce housing requirements, staff recommends Condition of Approval #2.E, identifying that the deed restriction is required to include both the employee preference for employees of the project and the affordability restrictions.

### ***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 and all conditions of approval have been incorporated. 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 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 April 8, 2022, 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 one-year time extension for the Industrial Way Mixed-Use Project, as allowed under the Development Code time extension limits. A one-year time extension would extend the expiration date for the project to June 1, 2023.

All relevant conditions of approval from the previous approval have been incorporated into draft Planning Commission Resolution 2022-07, and new conditions of approval have been proposed to address any Development Code standards that have been amended since the time of the original project approval to ensure the project's ongoing consistency with the Development Code. No changes to the project have been proposed by the applicant, and the project remains consistent with the 2025 General Plan. 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.

Deny the Time Extension on the basis that one or more of the required findings cannot be made.

**Attachments:**

1. Draft Planning Commission Resolution 2022-07
2. Applicant-Provided Letter of Justification
3. Agency Comment Letters
4. May 19, 2020 Planning Commission Meeting Links:
  - [Staff Report](#)
  - [Resolution 2020-05](#)
  - [Meeting Minutes](#)