



Planning Commission Meeting Minutes

September 27, 2023, 6:00 PM

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

1. Call to Order 6:09 PM

2. Roll Call- Vice Chair Gove, Commissioner Fraiman, Commissioner Taylor. Chair Clarin and Commissioner Cavanagh were noted absent.

3. Pledge of Allegiance

4. Public Comment:

Jeff Shellito, Tahoe Donner resident: Regarding the intersection at Northwoods and Fjord- a year ago there was extensive earth moving, tree removal, and grading and caused a large pit on the side of the road. The property owner received a building permit from the Town, the project was reviewed and approved. Since the pit was dug, there hasn't been any construction and the property owners listed the lot for sale, abandoning the site. Will the property owner be required to remediate the site? If he refuses, will the Town or Tahoe Donner HOA remediate the site? Will the Town or the HOA take any enforcement action to recover such costs or are we powerless? The lot has remained in this condition for the past 12 months and reflects poorly on our community. Perhaps the Town should consider requiring property owners to post a surety bond to ensure such environmental disasters. (Photo provided and saved in the Public Comment folder of this agenda)

Jeff Klomers, Tahoe Donner resident: Agree with the previous comment. It has already been 12 months since the pit was created, winter is close, so it will be at least 18 months until this is fixed. The Town needs to improve its understanding of these projects. The homeowner association needs to be more active as well. I would ask the Town to really look into this and do something about it, it's not right.

5. Approval of Minutes

5.1 July 18, 2023 Minutes - Regular Meeting

Staff informed the commission there is no quorum for the July 18, 2023 Minutes. Therefore, the approval of the July 18, 2023 Minutes was continued to the next meeting.

6. Public Hearings (Minor Review)

6.1 Application 2022-00000091/EXT (Elements Project Amendment Time Extension); 10414 Panamint Place (APN 044-340-008) and 10476 Panamint Place (APN 044-340-009); Applicant/Owner: Boulder Diversified, LLC. Laura Dabe, Associate Planner

Recommended Action: That the Planning Commission adopt Resolution 2023-13, taking the following actions:

- 1) Determining the project to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines; and

2) Approving a two-year time extension for the previously approved Elements Project Amendment.

Staff Presentation by Laura Dabe, Associate Planner

No Applicant Presentation

Public Comment:

Vice Chair Gove opened Public Comment.

Seeing none, Vice Chair Gove closed Public Comment.

Clarifying Questions for staff:

No questions.

Clarifying Questions for Applicant:

No questions.

Deliberation:

- Feel comfortable with the time extension request.
- Same.
- Same.

Commissioner Taylor made a motion that was seconded by Commissioner Fraiman to adopt Resolution 2023-13, taking the following actions: Determining the project to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines; and approving a two-year time extension for the previously approved Elements Project Amendment. The motion carried with the following vote:

Ayes: Vice Chair Gove, Commissioner Fraiman, Commissioner Taylor

Noes: None

Absent: Chair Clarin, Commissioner Cavanagh

Abstain: None

7. Public Hearings (Major Review)

7.1 Tahoe Donner Downhill Ski Lodge (Planning Application 2022-00000071/DP-MUP-SP; 11585 Snowpeak Way (also addressed as 11603 Snowpeak Way), 14943 Slalom Way, 12250 Viking Way, 14942 Slalom Way; APNs 046-250-009, 046-050-002, 046-050-001, and 046-040-002)

Recommended Action: That the Planning Commission adopt Resolution 2023-10, taking the following actions based on the recommended findings and subject to the recommended conditions of approval:

- 1) Adopt an Initial Study/Mitigated Negative Declaration (State Clearinghouse #2023050519);
- 2) Approve the Development Permit;
- 3) Approve the Minor Use Permit; and
- 4) Approve the Sign Plan.

Staff Presentation: Yumie Dahn, Senior Planner

Applicant Presentation: Jon Mitchell and Linsay Hogan

Clarifying Questions for staff:

- Regarding the Alder Creek Adventure Center- was there a lot of public opposition from that project?
 - There was some opposition from neighbors concerned about events and some wetland issues.
- Do you recall the original building size versus the finished product?
 - We can find that information, but I do not recall right now.
- Regarding the roof material- will there be roof ballast required to hide the PVC?
 - The Planning Commission can require that, I don't think that is required at the moment.
- Why is the workforce housing unit number limited to just the increase in square footage and not the total space? Are there any existing workforce housing units now?
 - Our Workforce Housing Ordinance is built that way where we credit them for the existing building. If they move buildings, they would have to provide workforce housing, but because they are demolishing, they get credit for that existing site. It is what our council at the time approved.
- Can you walk me through the in-lieu fee?
 - For the workforce housing requirement, we use the commercial generation count in terms of how much employee generations created per square foot so that's one employee per 500 square feet. That is in our Workforce Housing Ordinance. To note, there isn't a requirement for recreation uses it's in the Planning Commission's purview if you do not believe that it is the right generation number. Based on the difference in square footage, if the square footage changes during the building permit process, we'll use that change in the square footage. We looked at that change to the building and divide that by 500 to determine what the full-time employee equivalent is and how much generation they would create based off what the Town's Workforce Housing Ordinance has identified. So that would be 17.3 employees. We have a sliding scale within the ordinance depending on how big the project is and how many employees it generates. If it is less than 20 employees it generates, then it's only required to provide housing for 3.5% of the employees, so that came out to 0.61.
- What is the dollar value associated with 0.61?
 - Right now, our Affordable Housing In-Lieu Fees are around \$100,000 to \$105,000.
- Is the applicant okay with that?
 - Yes, we gave them two options – they can decide to pay that in-lieu fee or deed restrict the house they already own to workforce housing, which they already use for their employees.
- Regarding Conditional of Approval 43 – can you explain the siding material?
 - Our design guidelines in the Development Code identify that synthetic material, while we allow it in situations where our climate may require it, can be used but it cannot mimic a natural material. We want true materials and synthetic materials to be the material they are. They are proposing a fiber cement material but cannot put a fake wood grain on it. It can be a smooth synthetic material.
- And is that something that would come through the construction documents and approved by Planning then?
 - Yes.

Clarifying Questions for Applicant:

- Regarding the siding material – I looked up the Poly-Ash product up and it says it's recommended for high humidity and rainy environments, which I suppose it can be in the winter. I've never seen that product used here. What will you use if you cannot use the faux wood grain that's on these drawings?
 - That finish comes in a non-faux grain. Our architect has been fighting hard to use this product because of the success he has had using it in the ski lodge resort communities.
- Would you paint it brown?
 - We would stain it. We have a variety of stain colors proposed for different aspects of the building.
- Where do the current ski lodge employees live?
 - Wherever we can put them. We currently have an in-depth housing program through Tahoe Donner. We rent houses in Tahoe Donner and subsidize rent for our employees, especially our J-1s.
- Of the 3,000 responses you got from your survey, was there a lot of support for this project?
 - That specific survey we were asking if members were in support of a 20-27 thousand square foot building with a budget number and there were three options to choose from- in support, not in support, or deferring to the board of directors for their opinion. The outcome was about a 50/50 split between supportive and not. It was very close between people in support and not in support.
- Was it the board of directors that said we are going to make a decision then?
 - Yes. As the elected governing body of the association.
- They are elected, right?
 - Yes.
- What is the pedestrian path to the parking? Is it a groomed trail?
 - It is an easement we have had forever and it is a winter time only pedestrian access easement that once we get enough coverage we groom and it provides access from the ski hill to the parking lot.
- How many annual uses are there at the ski lodge and conversely how many on the busiest day of the year?
 - On the busiest day we see about 1,400 to 1,600 users. Annually 45,000.
- Regarding staffing – I see you got a reduction of employees for tickets and guest services and the same number of custodians with a building that is 50% larger. Can you explain that?
 - The current building design is a Frankenstein building and it is inefficient to operate. We believe the new building with the increased operation and functionality will need the same number of staffing to operate.
- Regarding the shuttle system- can that service be expanded to provide increased service on weekends or holidays to ease that concern for residents?
 - We have a shuttle system for our employees. We have them park at our lodge parking lot, and it works well for us. We use that during major busy holidays and spring break periods. We own four shuttles and are always looking to improve our shuttle access.
- I am assuming this building is mixed fuel using natural gas and electricity. Was an all-electric building considered in terms of space conditioning and water heating?
 - It was not.
- Can you explain why?
 - Our architect is not here but we have gone away from hydronics and natural gas heating but because of the efficiencies and appliances in the kitchen we have stayed with natural gas for those.
- Were you around when they did the Alder Creek project?
 - No, but we did some research and that building was 4,200 square feet of condition space and replaced with a 10,200 square foot building and since then we have added two storage facility additions onto that project.
- Do people like that building?

- People love that building.
- At some point, there was a vote by the board members to move forward with this project, correct?
 - Yes.
- What were the outcomes of those votes or the number in favor and against?
 - The first one was to replace or remodel and was 5-0.
 - Second was to move forward with the project was 4-1.
- What are the current water mitigation systems on the building, their BMP systems in place and do you think the proposed systems will be superior to what they have now?
 - To my knowledge, there are no water quality systems on the existing structure at all. Complying with State of California requirements and the Town of Truckee code are going to vastly improve stormwater quality leading the site.

Public Comment:

Cheryl Cross, speaking on behalf of the Tahoe Donner Change Group: We object on the following grounds: the plan submitted shows a shift forward of the foundation and a third level which would require extensive excavation of the site. No subsurface coring and mapping has been completed to determine the extent and volume of groundwater lenses that will be disturbed and how much flow will need to be managed to protect potential flooding of the site and adjacent condos. No water quality analysis has been done on the site. The size of the lodge and lack of any enforceable conditional use permit to govern existing or planned operations. Approval of this project will exacerbate the staffing and retention problems in the area.

Joan Regeleski, Tahoe Donner Resident: Regarding housing for the staff- I understand how you calculated the housing for staff, but you need to take into account the square footage of the whole building, not just the addition. A friend of ours who owns a business had to buy a house for his staff to provide housing at a reasonable rate. All of the houses in Tahoe Donner are required to meet a certain aesthetic and this building does not look like a ski lodge nor does it blend in. The board of directors are elected, but their role is to represent the wishes of the membership, not their own.

Karen Mason, Tahoe Donner Resident: I live directly behind the ski lodge. I am not opposed to the new lodge but believe the Initial Study/Negative Declaration is insufficient. It didn't fully consider the visual impacts or the impacts on nearby residents. The report determined there was no impact from the public view areas, but there are a small number of units that will be directly impacted. We will lose our current uphill view. There will likely be mechanicals on the building that will face our units. The loss of the view will have major impacts on the value of the property. We have raised this issue and Tahoe Donner only responded this morning. When the May report came out is when we learned about the actual size.

Jim Beckmire, Tahoe Donner Resident: Volunteer background includes leading the committee work for establishing the ski resort's master plan. Hopefully you listened to Jon Mitchell's presentation today. The current lodge is inefficient, not safe, and needs to be replaced. The more this project is delayed, the inflation affects the cost to the Tahoe Donner owners. The original plans had us breaking ground this year. The current delay will impact Tahoe Donner upwards of 1 million dollars. Most or all the board members are here. From the beginning, the lodge project was to replace the lodge to historical demand numbers, never an intent to grow it beyond its usage.

Jim Kelly, Tahoe Donner Resident: 30 years ago, I was the president of this organization. If their lips are moving, they're lying. No one seems to be able to find the conditional use permits. I know the state of CA doesn't require a use permit, but I believe it should be required. Is this a commercial operation or a non-commercial operation? This makes money and I think you should consider requiring commercial housing. What percentage of the usage of the ski hill is non-owners and non-members?

Charles Wu, Tahoe Donner Resident: I understand the original plans of Alder Creek were originally 16-20 thousand square feet and it did get cut down to 10. The discussion on the survey had three options, yes, no, and no opinion/let the board decide and the totals were 49%, 44% and 6%. I was board president when I drove the approval to replace the ski lodge. I had the retired president of Sugar Bowl walk through the facility with me and he wanted to push harder on the refurbishment of the Tahoe Donner Downhill Ski Lodge. My concern is the dining area, event space and parking. The original business plan did include an event space. The architects did talk about the views you could get from the third floor. There are two or three food prep areas and can seat 300 people. That is a major increase from what we have now. My concern is that in the future, things will change and there might be events there. At the very least, it should have the same restrictions that Alder Creek has regarding events, being only until 8PM or indoors. Biggest concern is that it will turn into an event center with weddings.

Jeff Shellito, Tahoe Donner Resident: I also served on the General Planning Committee that considered and studied a lot of these issues. I would urge you to not approve it today, I am not against it, but I am not for it as it is proposed. There are too many unresolved issues like this four-season event center. (Provided the Business Plan provided by the consultants for this facility to the commission.) I would encourage you to look at the most recent comments from the council the Tahoe Donner Change Group employed and the hydrogeologist from the CDEC Corporation Consulting Firm. There is no conditional use permit that's enforceable, it is lost. You need to issue a conditional use permit to govern existing operations and to make sure it can't be used for four-season operations. Tahoe Donner informed the lodge cannot be built with the money that has been allocated previously with is 23.4 million. It was revealed the shortfall is 8 million.

George Orbeck, Tahoe Donner Resident: My kids learned to ski in this resort 30 years ago and it was inadequate then and it's overwhelming. It hasn't gotten any better. There are about 150 seats in the current restaurant, doubling the size is needed. Homeowners discussed using the facility for other uses because it is so expensive to build. We don't think someone would want to have their wedding at this lodge, it's not an attractive wedding venue and parking is challenging. I would urge you to approve this project. I was part of the General Plan Committee since 2013 and was part of looking into how to replace this building.

Michael Sullivan, Tahoe Donner Resident: I was asked to be on a study committee in 2010. This project has been studied extensively. The event space was turned down by the board, so that is not on the table. There is no 10k restaurant. That is incorrect information. We have studied this to improve safety, environmental concerns, and bringing it up to code standards. The majority of skiers at Tahoe Donner are kids learning to ski. 42% of the users are kids who do not drive. Their parents or grandparents are there to watch them ski. These guardians don't want to sit outside in the weather. They want to be inside and have coffee and a snack.

Jeff Connors, Former Board President, and Board Treasurer: I am one of the 49% who voted against this versus the 43, let's get those numbers right. We have been advocating for a vote on this and Tahoe Donner will not do it. Feels concerned with the cost and the size. This is 8.5 million dollars over their budget. If it's 8.5 today, what will it be next year? It's not that we don't want to approve it, but it is too big. What we hear in Tahoe Donner is very different things regarding the event center. You are missing 40% of your commission tonight so because that alone, this should be delayed and not voted on today. Most people come to Tahoe Donner and ski there for a year or two and then go to a larger resort. I am concerned about the traffic and parking. There is a need for a conditional use permit.

Wally Auerbach, civil engineer on the project: I am going to share my thoughts as well as those from our geotechnical engineer from NV5. A lot of discussion has been brought up regarding the ground water. Groundwater was found in some of the borings on the site and not in others and at various depths. There is no swimming pool lying beneath this site. Water is always moving through the soil column and that is what was found moving through this project. The groundwater volumes

that are captured by the foundation drains is roughly one to three gallons per hour, that is no crisis that is typical in many building designs in the region. Regarding water quality – there is no reason to believe there is contaminated groundwater in the area, there is no evidence of that. regarding the lot line adjustment – it was necessary to comply with Town code regarding building coverage.

Nira Doherty, General Counsel for Tahoe Donner: Regarding the use permit- Tahoe Donner Association is required and is here tonight regarding the issuance of a development permit. Town code requires a development permit in contrast to a use permit here. The development permit operates almost identically to a use permit. Tonight, the commission is here to condition the project on certain things being met before the development can happen. One of the things that must be met before the development is approval of the dewatering plan by the Town and Lahontan. Approval of that plan must occur before we pull a grading permit. Through the development of that plan, many of the specifics regarding groundwater will be identified and approved by the town before we can move forward. The future development and approval of the dewatering plan is consistent with the California Environmental Quality Act (CEQA).

Vice Chair Gove called a 5-minute recess at 7:49 PM.

Vice Chair reconvened the meeting at 7:56 PM

Deliberation:

- The applicant team wanted the following to be on the record: The vote on December 14, 2019 the Tahoe Donner Board voted 4-1 against renovation. On May 28, 2021 the Tahoe Donner Board voted 4-1 for new construction.
- Overall, I feel good about this project.
- There's a lot of concern about the use of the new building. If in 5 or 10 years Tahoe Donner wants to make this into a four season facility, is that possible?
 - That would be another application because currently the Recreation District does not allow for an event facility. They would have to request a zoning amendment which would go before Planning Commission and Town Council.
- What if it wasn't an event space but a summer use like a mountain bike park or ropes course or something?
 - That would require a use permit to determine if the a recreation use is compatible with the Recreation zoning but would also go to Planning Commission.
- Assuming Tahoe Donner would also need to vote on it?
 - I believe that would be part of their membership.
- The bike parking – I think we could use a few more bike parking spots to pickup your kids on your electric bike.
- I agree.
- Would the bike parking occur in the front of the back on the deck?
- The kid pickup is probably in the parking lot.
- There's the housing and the in-lieu fee. If you are building a 9,000 square foot new building, would it only be 61%?
 - It's a pretty permissive workforce housing ordinance.
- What would it be if it was a brand new 9,000 square foot building?
 - Up to 10,000 square feet you could pay an in-lieu fee, but once you get beyond 10,000 square feet, that is when you start having to provide workforce housing. There are projects that are less than five or seven thousand square feet where workforce housing is exempt.
- Is there a monitoring of the number of employees there? If they end up having an extra 50 employees, does that trigger anything?
 - No, right now our workforce housing ordinance is only based off of square footage not necessarily on actual usage of the building.

- I guess it's up to Tahoe Donner to decide where they're going to park their employees to run their facility.
- The cost mentioned, 23.5 million dollars seems high.
- Yes, but that isn't our jurisdiction, that is up to them what they are going to build.
- I know this is contentious, but just because a project is approved, doesn't mean it's going to be built. We see many projects that come across the dais here and we approve them, and not all of them necessarily go. We are sympathetic but we don't have any leverage to pull here.
- Regarding the comment regarding how many commissioners we have in attendance – Coral Cavanagh had to recuse herself and we are missing Mitch Clarin. I don't know if our vote here would be any different if Mitch was here.
- We do have a quorum, and this is our procedure.
- Regarding the bike parking- I think 8-10 spots would be appropriate and use the racks you can take down in the winter. There looks to be space in the west against the retaining wall.
- Regarding the workforce housing – above 10,000 square feet, what is the next step, what is the difference?
 - It goes to 7% and then 14% once it is over 40 employees.
- They are doing one unit. Can we ask Tahoe Donner to increase the percentage to seven percent to get two units? Would they deed restrict two units?
 - I suggest asking the applicants if they're willing to provide that extra unit since it is not a requirement within our Development Code.
 - Applicant Team: The commercial linkage fee is not adopted under the Mitigation Fee Act, but it is subject to the Mitigation Fee Act. Local agencies cannot increase or assess the fee on existing square footage.
- It doesn't sound like the applicant is amenable.
- Where are you proposing the bike parking be?
 - Our parents pick up at the parking lot not the lodge.
- How many employees are going to be there in the summertime?
 - Limited to the day camp staff, admin and maintenance staff so half dozen tops.
- Could it be possible some of that staff likes to ride their bikes to work?
 - Yes, but they prefer to lock their bikes up in their offices.
- Would six bike spots be reasonable for the summertime?
 - Sure, we can find a spot for that.

Commission Fraiman made a motion that was seconded by Commissioner Taylor to adopt Resolution 2023-10, taking the following actions based on the findings and subject to the conditions of approval:

- 1) Adopted an Initial Study/Mitigated Negative Declaration (State Clearinghouse #2023050519); and**
- 2) Approved the Development Permit, Minor Use Permit and the Sign Plan, with the following modification:**

Six bicycle parking spaces are required during the summer time in the parking lot where day camp pick-up occurs.

The motion passed and carried the following vote:

Ayes:	Vice Chair Gove, Commissioner Fraiman, Commissioner Taylor
Noes:	None
Abstain:	None
Absent:	Commissioner Cavanagh

8. Staff Reports

- Planning Commission meeting in October we are bringing two items, Mountain Brew and possibly a boat storage building.

9. Information Items

10. Commission Member Reports

None.

11. Adjournment 8:12 PM To the next meeting of the Planning Commission, October 17, 2023, 5:00 PM at 10183 Truckee Airport Road, Truckee, CA 96161.

Respectfully Submitted,

Kayley Metroka