

Town of Truckee
California

PLANNING COMMISSION RESOLUTION 2016-13

**A RESOLUTION OF THE TOWN OF TRUCKEE PLANNING COMMISSION
APPROVING APPLICATION NO. 2016-00000035/DP
PIONEER COMMERCE CENTER PHASE II DEVELOPMENT PERMIT**

WHEREAS, the Town of Truckee has received an application requesting approval of a Development Permit for disturbance of over 26,000 square feet of the project site and construction of more than 7,500 square feet of gross floor area on Assessor's Parcel Numbers; 19-700-15, -16, -17, -20 and

WHEREAS, the applicant is proposing construction of the remaining six unconstructed buildings approved as part of Pioneer Commerce Center Phase II in 2005:

- Building K-1: 5,556 square feet
- Building K-3: 12,800 square feet
- Building K-4: 12,800 square feet
- Building H: 12,135 square feet
- Building L: 12,150 square feet
- Building M: 12,600 square feet

WHEREAS, a Planned Development was approved in 2005 allowing a wider range of uses within the Manufacturing zone district and no changes are proposed to the Planned Development; and

WHEREAS, the Planning Commission is responsible for the review and consideration of Development Permits; and

WHEREAS, the Planning Commission previously adopted a Mitigated Negative Declaration for the project and no new environmental documentation is required to allow subsequent development within Phase II; and

WHEREAS, all relevant mitigation measures from the initial Mitigated Negative Declaration have been incorporated into the recommended project conditions of approval; and

WHEREAS, a public notice was published in the *Sierra Sun* and mailed to property owners within 500 feet of the project site informing the public of the date, time, and location of the public hearing for the consideration of the approval or denial of the Development Permit and

NOW THEREFORE BE IT RESOLVED, the Planning Commission hereby takes the following actions on Application No. 2016-00000035/DP (Pioneer Commerce Center Phase II Development Permit):

1. Approve a Development Permit for the project subject to the conditions of approval set forth in Exhibit A (Conditions of Approval) attached hereto and incorporated herein.


BE IT FURTHER RESOLVED, the Planning Commission adopts the findings set forth in Exhibit B (Findings), in support of approval of the Development Permit.

The foregoing Resolution was introduced by Commission Member Ramos and seconded by Commission Member Tirman at a Regular Meeting of the Truckee Planning Commission held on the 19th day of July 2016 and adopted by the following vote:

AYES: Chair Kielas, Commissioner Ramos, Commissioner Tirman

NOES: None

ABSENT: Vice Chair Beckman, Commissioner Bullock



Seth Kielas – Chair
Town of Truckee Planning Commission

ATTEST:



Emily McGuire, Administrative Technician

Attachments:

Exhibit A – Development Permit Conditions of Approval
Exhibit B – Findings

RESOLUTION 2016-13
EXHIBIT A

APPLICATION NO. 2016-00000035

PIONEER COMMERCE CENTER PHASE II DEVELOPMENT PERMIT

DEVELOPMENT PERMIT
CONDITIONS OF APPROVAL

General Conditions of Approval

1. A Development Permit is hereby approved for the construction and development of the Phase II buildings as shown on the site plans, grading plans, elevations, floor plans, and civil drawings approved by the Planning Commission on July 19, 2016, and on file in the Community Development Department except as modified by the these conditions of approval.
2. The applicant is responsible for complying with all conditions of approval and providing evidence to the Community Development Director of compliance with the conditions. **(Planning Division)**
3. The effective date of approval shall be August 1, 2016, unless the approval is appealed to the Town Council. In accordance with Section 18.84.050 of the Development Code, the land use permits shall be exercised within two (2) years of the effective date of approval, and the project shall be completed within four (4) years after the effective date of approval. Otherwise the approval shall become null and void unless an extension of time is granted by the Planning Commission **(Planning Division)**
4. The Community Development Director may authorize minor alterations to the approved Development Permit in accordance with Section 18.84.070(B)(1) of the Development Code. Major changes and alterations to the approved plans and conditions of approval shall be reviewed and approved by the Planning Commission in accordance with Section 19.84.070(B)(2) of the Development Code. **(Planning Division)**
5. Except as modified by these conditions of approval, the project shall comply with all applicable provision and standards of the Development Code (effective date March 12, 2015) including, but not limited to the following:
 - a. General Development Standards as contained in Table 2-4 including site coverage, setbacks, and height limits;
 - b. Air Emissions in accordance with Section 18.30.030;
 - c. Drainage and stormwater runoff in accordance with Section 18.30.050;
 - d. Bicycle Parking in accordance with Section 18.48.090;
 - e. Building Height in accordance with Section 18.30.090;
 - f. Snow Storage in accordance with Section 18.30.130;

- g. Exterior Parking in accordance with Chapters 18.48 and 18.50;
- h. Exterior lighting in accordance with Section 18.30.060;
- i. Solid Waste/Recyclable Materials in accordance with Section 18.30.150;
- j. Open Space in accordance with Section 18.46.060;
- k. Outdoor Display and Sales Standards in accordance with Section 18.58.190;
- l. Off-Street Loading Space Requirements in accordance with Section 18.84.100;
- m. Property Maintenance in accordance with Section 18.30.100;
- n. Parking in accordance with Chapters 18.48 and 18.50;
- o. Landscaping in accordance with Chapters 18.40 and 18.42.

The provision and standards of the 2015 Development Code that shall be applied to this project shall be those provisions and standards in effect on March 12, 2015. (***Planning Division***)

- 6. Any fees due to the Town of Truckee for processing this project shall be paid to the Town within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted by this action. No permits, site work, or other actions authorized by this determination shall be permitted, authorized, or commenced until all outstanding fees are paid to the Town. (***Planning Division***)
- 7. The applicant shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town to attack, set aside, void, or annul the approval of the Town Council, which action is brought within the time period provided for by State law. (***Planning Division, Town Attorney***)

Project-Specific Conditions of Approval

- 8. Prior to building (grading) permit issuance, the project proponents shall be required to prepare and deliver two sets of improvement plans to the project planner at 1"=20', 1"=30', or 1"=40' on 24"x36" plan sheets stamped by a licensed civil engineer to the satisfaction of the Town Engineer for all work both in and out of the proposed public right-of way, easements and private roadways. The plans shall be prepared in accordance with the Town of Truckee Public Improvement and Engineering Standards dated May 2003 and shall comply with the design standards identified in Water Quality Order No. 2013-0001-DWQ NPDES General Permit No. CAS000004, such as Section E.10 and E.12, or the most current Phase 2 Municipal Separate Storm Sewer System (MS4) Permit. The plans at a minimum shall incorporate proposed grades, drainage, driveway design and erosion control and incorporate cost estimates for all work to be performed. Said improvement plans shall be accompanied by appropriate plan check fees to be calculated by the Town Engineer at the time of plan approval. Public improvement plan check fees and inspection fees are calculated using the estimated construction costs. The plan check fee is equal to the following formula based upon the estimated construction costs:

5% of valuation from \$0 to \$50,000

3% of valuation from \$50,000 to \$250,000

1% of valuation above \$250,000

The inspection fee, due prior to start of construction, is equal to the following formula based upon the estimated construction costs:

6% of valuation from \$0 to \$50,000

4% of valuation from \$50,000 to \$250,000

1.5% of valuation above \$250,000

(Engineering Division)

9. Prior to building (grading) permit issuance, the project proponents shall provide identification of all existing drainage on the property and adjacent property which may affect this project. This identification shall show discharge points on all downstream properties as well as drainage courses before and after the proposed development for the 10 year and 100 year flows. The project proponents shall provide a method in which to treat the 20-year, 1-hour storm event per the requirements of the Lahontan Regional Water Quality Control Board for both the existing uses and the proposed uses. Pre-project storm water flows should equal post project flows for the design year event, unless additional mitigations are proposed to provide for the increase in flows. **(Engineering Division)**
10. Prior to building permit issuance, the applicant shall pay traffic impact fees and facilities impact fees applicable at the time of building permit application. The actual traffic impact fees will be based upon the latest fee schedule adopted by the Town Council in effect at the time of building permit application. **(Engineering Division)**
11. All buildings and structures shall be set back a minimum of five feet from the western and eastern property lines **(Planning Commission Resolution 2005-03)**
12. All units of the boat storage buildings shall be accessible at all times **(Planning Commission Resolution 2005-03)**
13. Any mechanical equipment and trash enclosures shall be screened from public view. Screening shall be compatible in color with adjacent building materials. All flashing, vents, and gutters shall be painted in a color to blend with adjacent building colors. The trash enclosures shall be screened by a wooden fence with the same finish materials and colors as the buildings or a wall with split-face concrete masonry unit or similar material. **(Planning Commission Resolution 2005-03)**
14. The project shall provide landscaping in accordance with Chapters 18.40 and 18.42 of the Development Code except as modified for the Phase II development:
 - a. Additional landscaping shall be provided along the southern property line to screen parking areas from Pioneer Trail. The landscaping shall be of sufficient type, size, and density to create a 90" screen, 30-42 inches in height within five years of installation. The location of the screen and the type, size, and density of landscaping materials shall be approved by the Community Development Director.
 - b. Landscape bulbs with groundcover and shrubs (trees may be allowed) shall be provided in the parking areas adjacent to the southern property line to break up parking spaces to ensure there are no more than 12 contiguous parking spaces. The location and size of the landscape bulbs and the type, size and density of landscaping materials shall be approved by the Community Development Director.
 - c. Prior to issuance of the temporary or final certificate of occupancy for each phase, the applicant shall request an on-site inspection from the Planning Division and submit a landscape inspection fee in the amount established by the Town Fee Schedule. All landscaping shall be installed in accordance with the approved landscape plan and these landscape conditions prior to issuance of a temporary

certificate of occupancy OR installation of the landscaping shall be guaranteed by a performance guarantee or other acceptable security prior to issuance of a temporary certificate of occupancy and installation shall be completed prior to issuance of a final certificate of occupancy. (***Planning Commission Resolution 2005-03***)

15. Trees removed greater than 6 inches in diameter measured from the circumference breast height shall be replaced at a ratio of 1:2 (one replacement tree for every 2 removed). The majority of replacement trees shall consist of native evergreens. Replacement trees shall be primarily located within areas screening parking and driveway area from adjoining properties and public rights-of-way and within parking areas. Off-site planting of replacement trees will be permitted within the surrounding area if adequate landscape area is not available within the project site, contingent upon the receiving land owner/manager consent. Replacement tree locations, species and sizes shall be detailed on the final landscape plan. Replacement trees shall be required to be a minimum of 15 gallons. (***Mitigation Measure 3a, Planning Commission Resolution 2005-03***)
16. The applicant shall submit to the Planning Division a complete maintenance contract providing for proper maintenance of all landscaping and irrigation. The property owner shall maintain all plantings and irrigation, and in any case where required plantings have not survived, the property owner shall be responsible for replacement with equal or better plant materials. (***Planning Commission Resolution 2005-03***)
17. Prior to issuance of any building permit for Phase II, the applicant shall submit a comprehensive signage plan for all signage to be located within the development, including monument/ground-mounted and building signage. The comprehensive signage plan shall include all information necessary to demonstrate compliance with the Town signage specifications as detailed in the Development Code. Furthermore, no signage shall be visible from 1-80. (***Planning Commission Resolution 2005-03***)
18. Prior to issuance of any grading permit, building permit, and/or improvements plans for Phases II and III of the Pioneer Commerce Center development, the developer shall either submit a revised on-site snow storage plan, approved by the Community Development Director, to meet the standards of Section 18.30.130 of the Town's Development Code, or the developer can submit a snow hauling plan, to be approved by the Community Development Director, that meets the intent of Section 18.30.1630 (***Mitigation Measure 8b, Planning Commission Resolution 2005-03***)
19. To ensure that the project will not expose residents and occupants of the project to noise levels in excess of Town standards, prior to issuance of a building permit, all interior areas shall comply with the interior noise level standard of 45 dBA CNEL Mitigation measures such as acoustical rated windows and acoustical rated building materials shall be incorporated into the design of the building to reduce the interior noise levels to 45 dBA CNEL. Prior to issuance of any building permits, a noise analyst shall certify on the building plans that noise mitigation measures have been incorporated into the building design to reduce interior noise levels to 45 dBA CNEL and such measures are shown on the building plans (***Mitigation Measure 10a, Planning Commission Resolution 2005-03***)
20. A dust suppression plan shall be prepared concurrently with and made a part of the improvement, grading, and construction plans for the project. The dust suppression plan shall note any and all methods necessary to comply with the following:

- Open burning of site-clearing vegetation shall be prohibited. Site cleared vegetation shall be treated by other legal means including, but not limited to, chipping, shredding, and grinding. The dust suppression plan shall note how site cleared vegetation will be disposed.
 - Clearing, earth-moving, and excavation operations and other grading activities shall cease when the wind speed exceeds 20 miles per hour averaged over one hour.
 - During clearing, demolition, earth-moving, and excavation operations and other grading activities, fugitive dust emissions shall be controlled by dust-preventative measures to ensure regular stabilization of dust emissions. Materials excavated or graded shall be sufficiently watered or applied with dust palliatives to prevent amounts of dust. If watering is used, areas with disturbed soils shall be watered at least twice daily, in the late morning after excavation and grading has commenced and after work is done for the day. Materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
 - Graded areas that will not be covered with structures or other improvements shall be revegetated to minimize dust and erosion. Revegetation shall occur within one month after completion of grading and excavation for the project. Portions of the construction site to remain active longer than three months after completion of the project shall be seeded and watered until grass cover is grown and maintained.
 - The Town Planner may require other best available control measures (BACM) to control particulate matter emissions from the site during construction. (***Planning Commission Resolution 2005-03***)
21. To offset PM10 emissions from vehicle tail pipes and re-entrained road dust to the level of zero from these sources, prior to issuance of any building permit for the development of the parcels, an air quality mitigation fee of \$132.00 per 1,000 s.f. of gross floor area will be required. Prior to issuance of any building permit for Phase 2, a fee of \$132.00 for every 1,000 s.f. of gross floor area constructed in Phase 1 shall be paid in its entirety. (***Mitigation Measure 2a, Planning Commission Resolution 2005-03***)
22. If artifacts, paleontological or cultural, or unusual amounts of stone, bone, or shell are uncovered during construction activity, all construction activities shall cease within a 200-foot radius of the find. The Town Planner shall be notified of the find, and an archaeologist shall investigate the find to determine the extent and location of the discovered materials. The archaeologist shall amend the cultural resources evaluation conducted on the site to determine the significance of the discovered materials and to identify mitigation measures to eliminate or reduce any significant effects to a less than significant level in accordance with the CEQA Guidelines. The Town Planner shall require the mitigation measures to be incorporated into the project and to be implemented prior to recommencement of construction activity. Construction shall not recommence until authorized by the Town Planner. (***Mitigation Measure 4a, Planning Commission Resolution 2005-03***)
23. If soil contamination or underground tanks are uncovered during construction activity, all construction activities shall cease. The Community Development Director and the Nevada County Department of Environmental Health shall be notified, and the applicant shall apply for permits for a proper site investigation. The Nevada County Department of Environmental Health shall conduct a site investigation, determine the extent of the contaminated material or underground tanks found, and establish an appropriate method of disposal of the contaminated soil or tanks. Construction shall not recommence until authorized by the Community Development Director. (***Planning Commission Resolution 2005-03***)

24. No industrial wastes are to be disposed on-site, unless a specific method of their disposal and design has been approved by the Nevada County Environmental Health Department, in accordance with Chapter 6.5 of the California Health and Safety Code, Hazardous Wastes Control. **(Planning Commission Resolution 2005-03)**
25. Hours of operation of construction activities shall be limited from 7 a.m. to 7 p.m. or dusk, whichever occurs first, Monday through Saturday. No construction shall be permitted on Sundays. Interior construction activities may occur after these hours if such activities will not result in exterior noise audible at property lines. Improvement, grading, and building plans shall note these limited hours of construction. **(Planning Commission Resolution 2005-03)**
26. As determined by the Community Development Director in coordination with the District Fire Marshal, the project shall comply with all applicable Truckee Fire Protection District ordinances and requirements related to the construction or installation of physical infrastructure, facilities, and improvements and the payment of mitigation fees for the construction of facilities and the purchase of equipment. These ordinances and requirements may include, but not be limited to, installation of fire hydrants, minimum fire flow, automatic sprinkler systems for buildings, driveway and turnaround specifications, and fuel clearance. These requirements are outlined in the District's letter on the project dated June 23, 2016. The physical infrastructure, facilities, and improvements shall be installed at the time of development and completed prior to occupancy of buildings and the land, and the mitigation fees shall be paid in accordance with adopted Council rules for administration of the mitigation fee program. **(Planning Division)**
27. No building sewer or parts thereof shall be located in any lot other than the lot that is the site of the building. Each sewer drainage system shall be separate and independent from that of any other building. The existing private sewer main line shall be brought to District standards and dedicated to the District. **(Truckee Sanitary District)**
28. Prior to issuance of building permits, a final lighting plan shall be approved by the Community Development Director. All light fixtures shall comply with Development Code Section 18.30.060 (Exterior Lighting and Night Sky). **(Planning Division)**
29. Prior to issuance of building permits, a tree protection plan shall be provided consistent with the requirements of Development Code Section 18.30.155.H.3. The plan shall identify all trees proposed for removal-whether native or ornamental- and shall be approved by the Community Development Director. **(Planning Division)**

**RESOLUTION 2016-35
EXHIBIT B**

APPLICATION NO. 2016-00000035

PIONEER COMMERCE CENTER PHASE II DEVELOPMENT PERMIT

FINDINGS

DEVELOPMENT PERMIT:

- 1. The proposed development is allowed within the subject zoning district and generally complies with all applicable provisions of the Development Code, Town Municipal Code, and Public Improvement and Engineering Standards.**

The development is consistent with Development Code, Town Municipal Code, and the Public Improvements and Engineering Standards. This finding is supported by the discussion contained in the "Discussion and Analysis" section of the Commission staff report dated July 19, 2016.

- 2. The proposed development is consistent with the General Plan, any applicable Specific Plan, the Trails Master Plan, and the Particulate Matter Air Quality Management Plan.**

The development is consistent with the General Plan and Particulate Matter Air Quality Management Plan. This finding is further supported by the discussion contained in the "Discussion and Analysis" section of the Commission staff report dated July 19, 2016.

- 3. The proposed development is consistent with the design guidelines, achieves the overall design objectives of the design guidelines, and would not impair the design and architectural integrity and character of the surrounding neighborhood.**

This finding is supported by the discussion contained in the "Discussion and Analysis" section of the Commission staff report dated July 19, 2016 in conjunction with the recommended conditions of approval.

- 4. The project approval is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless a Statement of Overriding Considerations is adopted.**

The Planning Commission adopted a Mitigated Negative Declaration in 2005 for the Pioneer Commerce Center. No substantial changes are proposed to the project which would necessitate preparation of an updated Mitigated Negative Declaration. Therefore, it is appropriate to rely on the analysis within the 2005 Mitigated Negative Declaration. All relevant mitigation measures have been incorporated into the recommended conditions of approval.

5. **There are adequate provisions for public and emergency vehicle access, fire protection, sanitation, water, and public utilities and services to ensure that the proposed project would not be detrimental to public health and safety.**

The Town Engineer and the Truckee Fire Protection District have reviewed the project and have required conditions of approval which ensure the adequate provision of access and fire protection. Further, the Truckee Fire Protection District has determined that adequate fire protection measures are available to serve the proposed project. The site is currently served by the Truckee Donner Public Utilities District and by the Truckee Sanitary District and both agencies have forwarded their requirements for continued service.

6. **The subject site is physically suitable for the type and density/intensity of development being proposed, and adequate in size and shape to accommodate the use and all fences and walls, landscaping, loading, parking, yards, and other features required by this Development Code, and served by streets adequate in width and pavement to carry the quantity and type of traffic generated by the proposed project.**

This finding is supported by the discussion contained in the "Discussion and Analysis" section of the Commission staff report dated July 19, 2016 in conjunction with the approved conditions of approval. All roadways and parking areas to serve the project site are in compliance with the Town Development Code and Public Improvement Standards.

7. **The proposed development is consistent with all applicable regulations of the Nevada County Department of Environmental Health and the Truckee Fire Protection District for the transport, use, and disposal of hazardous materials.**

Provisions are in place which date back to the initial project approvals to address the transport, use and disposal of hazardous materials.