

**Town of Truckee
California**

PLANNING COMMISSION RESOLUTION 2019-10

**A RESOLUTION OF THE TOWN OF TRUCKEE PLANNING COMMISSION
APPROVING APPLICATION 2019-00000050/AMD
PIONEER COMMERCE CENTER PROJECT AMENDMENT**

WHEREAS, on May 17, 2001, the Truckee Town Council adopted Resolution 2001-25, approving a planned development for Phases 1 and 2 of the Pioneer Commerce Center project (Application #00-111), and on May 8, 2002 the Planning Commission adopted Resolution 2002-11, approving minor modifications to the planned development; and

WHEREAS, on February 9, 2005, the Planning Commission adopted Resolution 2005-02, approving minor modifications to the planned development and establishing the following requirements: 1) A maximum cumulative floor space for commercial uses in Phases 1 and 2 not to exceed 55,660 square feet of gross floor area; 2) Of this 55,660 square feet of gross floor area, floor area limitations for retail floor space not exceed 7,200 square feet, gym/health fitness floor space not exceed 6,500 square feet, and deli/restaurant not exceed 2,500 square feet; and 3) Commercial floor area within a manufacturing/industrial business approved in accordance with Section 18.58.040 (Accessory Uses—General Standards) shall not be counted towards the maximum cumulative floor space; and

WHEREAS, on September 19, 2017, the Planning Commission approved Resolution 2017-16, amending the Planned Development to remove the floor space limit of 6,500 square feet for health/fitness facilities; and

WHEREAS, the Town of Truckee has received a Project Amendment request from the applicant to amend the Planned Development and increase the existing maximum limit on floor space for deli/restaurant uses from 2,500 square feet to 7,264 square feet; and

WHEREAS, the Planning Commission was the original review authority for the project and is responsible for the review and consideration of major changes to the project which involve a feature of the project that was a basis for conditions of approval for the project that was a specific consideration by the review authority in taking action in the approval of the permit; and

WHEREAS, the Planning Commission previously adopted a Mitigated Negative Declaration for the project and no new environmental documentation is required to allow the proposed minor changes to the 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 10-day public review period was provided to allow Federal, State, and local agencies, interested persons and organization, and other members of the public to review and comment on the project; 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 Project Amendment; and

THEREFORE BE IT RESOLVED, the Planning Commission hereby takes the following actions on Application 2019-00000050/AMD (Pioneer Commerce Center Project Amendment):

1. Approves a Project Amendment to amend the Planned Development for Pioneer Commerce Center Phases 1 and 2 as shown on Exhibit "A," subject to the conditions of approval set forth in Exhibit "B" (Conditions of Approval) attached hereto and incorporated herein; and
2. Determines the project exempt from further environmental review in accordance with Section 15301 of the California Environmental Quality Act Guidelines.

BE IT FURTHER RESOLVED, the Planning Commission adopts the findings set forth in Exhibit "C" (Findings), in support of approval of these actions.

The foregoing Resolution was introduced by Commissioner Hall and seconded by Commissioner Gove at a Regular Meeting of the Truckee Planning Commission held on the 21st day of May 2019 and adopted by the following vote:

AYES: Chair Zabriskie, Vice Chair Hall, Commissioner Gove, Commissioner Riley, Commissioner Tarnay

NOES: None

ABSENT: None


Jan Zabriskie – Chair
Town of Truckee Planning Commission

ATTEST:


Julie Paping, Secretary

Attachments:

Exhibit A – Planned Development
Exhibit B – Conditions of Approval
Exhibit C – Findings

RESOLUTION 2019-10
EXHIBIT "A"

PLANNED DEVELOPMENT

The following modifications to the Development Code are hereby adopted for the property described as follows: Parcels 1 to 13, as shown on Parcel Map No. 01-076, filed on the 8th day of October 2002, in Book 19 of Parcel Maps at Page 95, Document No. 2002-0040392, Nevada County Records. For purposes of this planned development, Phase 1 shall mean Parcels 5 to 11 and that portion of Parcel 13 south of Pioneer Trail; Phase 2 shall mean Parcels 1 to 4 and that portion of Parcel 13 north of Pioneer Trail; and Phase 3 shall mean Parcel 12. If conflicts occur between the requirements of the Development Code and the requirements of the Planned Development, the requirements of the Planned Development shall control.

1. Section 18.12.050 (Floor Area Ratio Criteria) of the Development Code is modified as follows. The maximum cumulative floor space allowed for Phases 1 and 2 shall not exceed 235,600 square feet of gross floor area.
2. In accordance with Section 18.58.140.F (Mixed Use Development—Allowed Land Uses) of the Development Code, the following commercial uses that are not otherwise allowed in the Manufacturing/Industrial zoning district shall be deemed permitted uses in Phases 1 and 2:

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| - Health / fitness center | - Ice skating rinks |
| - Indoor recreation center | - Libraries and museums |
| - Membership organizational facilities | - Outdoor commercial recreation |
| - Schools- Public and private | - Theaters and meeting halls |
| - Convenience store | - Auto part sales |
| - Alcoholic beverage sales, other than beer and wine | - Furniture, furnishing and equipment stores |
| - Plant nurseries and garden supply stores | - Restaurants – Counter service / table service |
| - Retail stores- General merchandise | - Bars and drinking establishments |
| - Second hand stores | - Automated teller machines |
| - Banks and financial services | - Business support services |
| - Car wash | - Medical services - Clinics and labs |
| - Business and professional offices | - Personal services |
| - Repair / maintenance - Consumer products | - Broadcasting studios |

3. The following uses, listed as conditional uses in the M zoning district, shall be deemed permitted uses in Phases 1 and 2:
 - School – Specialized Education and Training
 - Employee Housing

- Live/Work Quarters
- Child Day Care Facilities
- Veterinary clinics, animal hospitals, kennels, and boarding uses
- Commercial parking and vehicle storage

4. The maximum cumulative floor space for commercial uses in Phases 1 and 2 shall not exceed 55,660 square feet of gross floor area. Of this 55,660 square feet of gross floor area, cumulative retail floor space shall not exceed 7,200 square feet; and cumulative floor space for deli/restaurant uses shall not exceed 7,264 square feet. Commercial floor area within a manufacturing/industrial business approved in accordance with Section 18.58.040 (Accessory Uses—General Standards) shall not be counted towards this maximum cumulative floor space.
5. Section 18.46.070 (Scenic Corridor Standards) of the Development Code is modified as follows:
 - a. Buildings, structures, and parking areas in Phase 1 shall be allowed at distances less than 100 feet from the Interstate 80 right-of-way as depicted on the site plan approved by Town Council Resolution 2001-25.
 - b. Buildings and structures in Phases 1 and 2 may have a height of greater than 25 feet within the scenic corridor area as depicted on the site plan and building elevations approved by Town Council Resolution 2001-25.
 - c. Buildings and structures in Phase 3 that are setback a minimum distance of 100 feet from the Interstate 80 right-of-way may have a height of greater than 25 feet.
 - d. Buildings, structures, and parking areas on Lots 4, 5, 6, 7, 8 and 9 in Phase 3, as shown on the approved tentative map for Phase 3, Exhibit A of Commission Resolution 2005-05, shall be setback a minimum of 50 feet from the Interstate 80 right-of-way.
6. The open space requirement for the Manufacturing/Industrial zoning district, as set forth in Table 2-8, is modified as follows:
 - a. The open space requirement for Phases 1 and 2 shall be the open space as depicted on the site plans approved by Town Council Resolution 2001-25 for Phase 1 and Planning Commission Resolution 2005-03 for Phase 2.
 - b. The open space requirement for Phase 3 shall be as follows: The minimum open space for Lots 10 and 15 as shown on the approved tentative map shall be 2.6 acres, and the minimum open space for the remaining parcels shall be 20%.
7. The Planning Commission shall be the review authority for all land use applications, including zoning clearances and minor use permits, for development and uses on Lots 4, 5, 6, 7, 8 and 9 in Phase 3, as shown on the approved tentative map for Phase 3, Exhibit A of Commission Resolution 2005-05.
8. Outdoor retail, storage, and activity areas shall be prohibited on Lots 4, 5, 6, 7, 8 and 9, in Phase 3, as shown on the approved tentative map for Phase 3, Exhibit A of Commission Resolution 2005-05.
9. Woodstoves and other wood-burning devices shall be prohibited on all parcels in Phases 1, 2, and 3.

**RESOLUTION 2019-10
EXHIBIT "B"**

**APPLICATION 2019-00000050
PIONEER COMMERCE CENTER PROJECT AMENDMENT**

CONDITIONS OF APPROVAL

General Conditions of Approval

1. A Project Amendment is hereby approved amend the Planned Development for Pioneer Commerce Center Phases I and II, as described in the May 21, 2019 Planning Commission staff report, on file in the Community Development Department, except as modified by the these conditions of approval. The applicant is responsible for complying with all conditions of approval and providing evidence to the Community Development Director of compliance with each condition. *(Planning Division)*
2. The effective date of approval shall be June 3, 2019, unless the approval is appealed to the Town Council by 5:00 p.m. on May 31, 2019. In accordance with Section 18.84.050 of the Development Code, the approval of the Project Amendment shall be valid for 24 months after its effective date. At the end of that time, the approval shall expire and become null and void unless the time limits of the Project Amendment are extended per section 18.84.055 of the Development Code. *(Planning Division)*
3. The Community Development Director may authorize minor alterations to the approved project and conditions of approval in accordance with Sections 18.84.070.B.1 of the Development Code only if the Community Development Director finds such changes and alterations to be in substantial compliance with the approved project. For minor project modifications and design elements not addressed by the Planning Commission in their design approval of the project, the Community Development Director may impose additional requirements on the project to ensure consistency with the Town Development Code. Major changes and alterations to the approved project and conditions of approval shall be reviewed and approved by the Planning Commission in accordance with Sections 18.84.070.B.2 of the Development Code. *(Planning Division)*
4. The project shall comply with all applicable provision and standards of the Development Code in effect on January 11, 2019, except where specifically modified by these conditions of approval. It is the applicant's responsibility to demonstrate compliance to the Planning Division prior to issuance of any grading or building permits. The provisions and standards include, but are not limited to, the following:
 - General Development Standards as contained in Table 2-8 including site coverage, setbacks, and height limits;
 - Air Emissions in accordance with Section 18.30.030;
 - Drainage and stormwater runoff in accordance with Section 18.30.050;
 - Exterior lighting in accordance with Section 18.30.060;
 - Building Height in accordance with Section 18.30.090;
 - Property Maintenance in accordance with Section 18.30.100;
 - Snow Storage in accordance with Section 18.30.130;
 - Solid Waste/Recyclable Materials in accordance with Section 18.30.150;
 - Tree Preservation in accordance with Section 18.30.155;
 - Landscaping in accordance with Chapters 18.40 and 18.42.
 - Open Space in accordance with Section 18.46.060;

- Parking in accordance with Chapters 18.48 and 18.50;
 - Bicycle Parking in accordance with Section 18.48.090;
 - Off-Street Loading Space Requirements in accordance with Section 18.48.100;
 - Outdoor Display and Sales Standards in accordance with Section 18.58.190
(Planning Division)
5. 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)**
6. 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)**
7. Prior to commencement of any work on the site, the applicant shall obtain building permit(s) for all work on the building. Complete building plans and engineering in accordance with the Town Building Code will be required for all structures. The building plans shall include details and elevations for all State of California, Title 24, and accessibility regulations. **(Planning Division)**
8. Prior to building permit issuance, the applicant shall demonstrate compliance with all conditions and requirements of the following agencies, including, but not limited to:
- Town of Truckee Engineering Division
 - Town of Truckee Building Division
 - Truckee Donner Public Utility District
 - Truckee Sanitary District
 - Truckee Fire Protection District
 - Tahoe Truckee Sierra Disposal Company
 - Nevada County Department of Environmental Health
 - Southwest Gas **(Planning Division)**
9. 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. Prior payment of impact fees for existing restaurant square footages will be verified by Town staff, and any unpaid fees collected, prior to building permit issuance. **(Engineering Division)**
10. The applicant shall submit a Food Facility Plan Check Packet to the Nevada County Environmental Health Department (NCEHD) and pay any fees due for review and approval for any food facility construction or modification. All retail food facilities must adhere to the most current version of the California Retail Food Code along with local rules and regulations. **(NCEHD)**
11. The installation of appropriate backflow prevention equipment will be required. It is suggested that the owner/developer contact the Truckee Donner Public Utility Water District (TDPUD) Water Department to discuss this issue in more detail. **(TDPUD)**

12. All new signage shall comply with the existing Comprehensive Sign Program for the Pioneer Commerce Center Phases I and II. No signage shall be visible from Interstate 80. **(Planning Division)**
13. Any future increase in square footage or intensity of commercial uses within Phases I and II shall require additional review by the Town to ensure compliance with the standards of the development, including parking. **(Planning Division)**
14. Prior to issuance of building permits, a final solid waste storage plan shall be approved by the Community Development Director. All storage areas shall comply with Development Code Section 18.30.150 (Solid Waste/Recyclable Materials Storage). All solid waste, recycling materials, and organic waste will be disposed of in compliance with State law. All solid waste, recycling materials, and organic waste storage areas will be well-maintained and screened from public view 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. Any leakage or excess materials shall be mitigated in a timely manner and will be the responsibility of property. The applicant shall ensure that there is space sufficient for mixed waste, recycling and food waste collection containers. AB 1826—Mandatory Commercial Organics Recycling and Municipal Code Section 6.01.070 require businesses that generate four cubic yards of solid waste and 100 gallons of food waste/week to separate food waste from regular trash. The applicant must show that there is room sufficient for 2-4 food waste carts (64 gallons each, 2.5 sq. ft. footprint each) in addition to mixed waste (trash) and recycling containers for the proposed restaurant use. **(Planning Division)**

**RESOLUTION 2019-10
EXHIBIT B**

**APPLICATION 2019-00000050
PIONEER COMMERCE CENTER PROJECT AMENDMENT**

FINDINGS

PLANNED DEVELOPMENT:

1. **The proposed development is allowed within the subject zoning district; generally complies with all applicable provisions of the Development Code, Town Municipal Code, and Public Improvement and Engineering Standards; and 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 Development Code, Town Municipal Code, and the Public Improvements and Engineering Standards. The development is consistent with the General Plan and Particulate Matter Air Quality Management Plan. This finding is supported by the discussion contained in the "Discussion and Analysis" section of the Commission staff report dated May 21, 2019.

2. **The proposed project would produce a comprehensive development of superior quality (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of land uses and structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) than which might otherwise occur from the strict application of the provisions and standards identified in this Development Code.**

This finding is supported by the discussion contained in the "Discussion and Analysis" section of the Commission staff report dated May 21, 2019 in conjunction with the recommended conditions of approval. The purpose of the 2005 Planned Development was to allow greater flexibility in uses within the Pioneer Commerce Center project, and the Center is well-designed, with high-quality architecture throughout and ample landscaping to soften the industrial and utilitarian nature of many of the buildings.

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 May 21, 2019 in conjunction with the approved conditions of approval.

4. **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.

5. **The design, location, size and operating characteristics of the proposed development would not be detrimental to the public health, safety, or welfare of the Town, or injurious to the property or improvements in the vicinity and zoning district in which the property is located**

This finding is supported by the discussion contained in the "Discussion and Analysis" section of the Commission staff report dated May 21, 2019 in conjunction with the approved conditions of approval.

6. **The approval of the Planned Development 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 could 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.

7. **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 May 21, 2019, 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.

8. **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.

9. **For applicants seeking relief from Section 18.78.040 (Mandatory Project Features), the following additional findings shall be made: 1) The cumulative parcel development consists of less than five residential units, less than 7,500 sq. ft. of commercial or industrial gross floor area and less than 26,000 sq. ft. of site**

disturbance; and 2) The requested Development Code deviation(s) is the minimum necessary to create a project of superior quality; and 3) The project achieves other General Plan housing, sustainability, or community enhancement goals than those listed in Section 18.78.040.

This finding is supported by the discussion contained in the "Discussion and Analysis" section of the Commission staff report dated May 21, 2019, in conjunction with the approved conditions of approval.

