

Town of Truckee
California

PLANNING COMMISSION RESOLUTION NO. 2002-11

**A RESOLUTION OF THE TOWN OF TRUCKEE PLANNING COMMISSION
RECOMMENDING APPROVAL OF APPLICATION NO. 01-076/TM-CUP
(THE PIONEER COMMERCE CENTER SUBDIVISION)**

WHEREAS, the Town of Truckee has received an application requesting approval of a tentative map for a 14 parcel subdivision and an amendment to a previously approved conditional use permit to allow for an increase in floor area ratio on assessor's parcel number 19-420-25; and

WHEREAS, the Planning Commission is responsible for the review and consideration of tentative maps for major subdivisions which creates five for more parcels; and

WHEREAS, a Notice of Determination has been previously approved on May 17, 2001 by the Town Council and filed with the California State Clearing House to adopt and approve the Initial Study/Mitigated Negative Declaration for the Pioneer Commerce Center development through application number 00-111/PD-CUP-DP-LLA-ABN; and

WHEREAS, a 10-day public review period was provided to interested persons and organizations, 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 300 feet of the project site informing the public of the availability of the Mitigated Negative Declaration and the date, time, and location of the public hearing for the consideration of the adoption of the Mitigated Negative Declaration and the approval or denial of the planned development, conditional use permit, development permit, and lot line adjustment; and

WHEREAS, the Planning Commission held a public hearing on the matter at their regularly scheduled Planning Commission meeting beginning and ending on May 8, 2002 and considered all information, public comment related thereto and made a recommendation to the Town Council;

NOW THEREFORE BE IT RESOLVED, the Planning Commission hereby takes the following actions on Application No. 01-076/TM-CUP (The Pioneer Commerce Center Subdivision):

1. Approves the tentative map for the project, subject to the conditions of approval set forth in Exhibit A (Conditions of Approval) attached hereto and incorporated herein.
2. Approves the amendment to Town Council Resolution 2001-25 approving a planned development and conditional use permit for the Pioneer Commerce Center to allow an increase in Floor Area Ratio for the development as a result of the reconfiguration of lot lines and the allocation of open space as set forth in Exhibit B (Conditions of Approval) attached hereto and incorporated herein.

BE IT FURTHER RESOLVED, the Planning Commission adopts the findings set forth in Exhibit C (Findings), in support of the approval of the tentative map and amendment to a conditional use permit for the Pioneer Commerce Center development.

PASSED AND ADOPTED by the Town of Truckee Planning Commission on this 8th day of May, 2002 by the following vote:

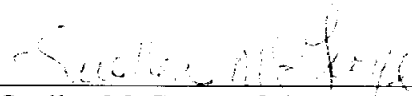
AYES:

NOES:

NOT VOTING:


Craig Threshie, Chair
Town of Truckee Planning Commission

ATTEST:


Suellen McGeorge, Secretary

Attachments:

Exhibit A – Tentative Map

Exhibit B – Findings

EXHIBIT "A"

APPLICATION NO. 01-076 THE PIONEER COMMERCE CENTER SUBDIVISION

TENTATIVE MAP

General Conditions of Approval

1. The tentative map is approved for the subdivision of 14 parcels as detailed on the site plan dated January 11, 2002 and on file in the Community Development Department. The applicant is responsible for complying with all conditions of approval and providing evidence to the Planning Division of compliance with the conditions. The project shall comply with the time limits established by Chapter 18.84, and Sections 18.96.140 and 18.96.150 of the Development code.

The Planning Commission may approve a time extension to the above time frames to establish the approved use in accordance with Section 18.84.050(c) of the Development Code. **(Planning Division)**

2. The Town Planner may authorize minor alterations to the approved plans and conditions of approval 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)**
3. The project shall comply with all applicable provision and standards of the 2000 Development Code. The provision and standards of the 2000 Development Code that shall be applied to this project shall be those provision and standards in effect on September 3, 2001. **(Planning Division)**
4. 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)**
5. 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)**
6. The applicant shall submit final map check prints, all required information, and applicable fees to the Planning Division for review and approval of the final map(s). The final map(s) shall be prepared by a licensed land surveyor or engineer in accordance with the Subdivision Map Act and Town Subdivision Ordinance. The final map shall be recorded within 24

months of the date of approval, otherwise the approval of the tentative map shall become null and void unless an extension of time is granted by the Planning Commission in accordance with Article V of the Development Code. The applicant is responsible for complying with all conditions of approval and providing evidence to the Planning Division of compliance with the conditions. The final map shall comply with all applicable requirements as set forth in Exhibit A of this resolution. **(Planning Division)**

7. A subdivision plan shall be filed and recorded concurrently with the recording of the final map. The plan shall include, but not limited to, provisions for common maintenance of the drainage facilities, driveways, access easements, public utilities, snow storage, landscaping, and interior pedestrian connections located within the common parcel and referred to as lot number 13. The plan shall be submitted for review and approval to the Planning Division prior to recordation of the map. **(Planning Division)**
8. Prior to recordation of the map, a Property Owner's Association or similar management entity and subdivision CC&R's shall be approved by the Town Planner and shall be created to regulate property maintenance and design. Maintenance shall include drainage facilities, driveways, access easements, public utilities, snow storage, landscaping, and interior pedestrian connections located within the common parcel. **(Planning Division)**
9. The final submitted map shall include a clear delineation of foundation corner points and eave and overhang locations. If eaves and overhangs are not included within the building footprint of the individual units, reference to easements for this purpose shall be included on the map within the project's Covenants, Conditions and Restrictions (CC&R's). **(Planning Division)**
10. The applicant shall submit a certified copy of the tax certificate executed by the County Tax Collector with the final map review submittal to the Planning Division. **(Planning Division)**
11. All eaves, overhangs, and decks must be completed prior to recordation of the map or the accuracy of these features will be required to be certified by the project surveyor/engineer prior to final occupancy approval of the project. This certification will be required to be conducted by a State of California license land surveyor or engineer and written verification provided to the Planning Division. A discrepancy between the constructed project and the recorded map will be required a correction to the recorded map prior to final occupancy approval of the project. The intended use (restricted, unrestricted) of eaves, overhangs, and/or decks shall be referenced on the map and addressed within the project subdivision development plan. **(Planning Division)**
12. The final submitted map shall include a clear delineation of foundation corner points and eave and overhang locations. If eaves and overhangs are not included within the building footprint of the individual units, reference to easements for this purpose shall be included on the map and within the projects CC&R's. **(Planning Division)**
13. Prior to recordation of the map, the applicant shall submit evidence of approval from the California Department of Real Estate (DRE) for the required project CC & R's. The DRE Public Report shall be submitted to the Planning Division when completed. **(Planning Division)**

14. The final map shall show all existing easements located on parcel number 19-420-25, in addition to all required easements and abandonment's as specified in the Town of Truckee Town Council Resolution 2001-25 that was approved for the Pioneer Commerce Center development. **(Planning Division)**
15. The final map shall show all existing easements located on parcel number 19-420-25, in addition to all required easements required in the Town of Truckee Town Council Resolution 2001-25 that was approved for the Pioneer Commerce Center development. **(Planning Division)**
16. Lot 14 is created for street and right-of-way purposes only, and shall be noted on the final map. **(Planning Division)**

EXHIBIT "B"

APPLICATION NO. 01-076 THE PIONEER COMMERCE CENTER SUBDIVISION

AMENDMENT TO TOWN COUNCIL RESOLUTION 2001-25 TO ALLOW MODIFICATIONS TO THE PLANNED DEVELOPMENT AND CONDITIONAL USE PERMIT

1. The following modifications to the 2000 Development Code and Town Council Resolution 2001-25 are hereby approved for Application No. 01-076, commonly referred to as The Pioneer Commerce Center. If conflicts occur between the requirements of the Development Code and the requirements of the Planned Development/Conditional Use Permit, the requirements of the Planned Development/Conditional Use Permit shall control. This Planned Development shall apply to Application No. 01-076, and the approval of this Planned Development/Conditional Use Permit shall expire if Application No. 01-076 expires. **(Planning Division)**
2. The amendment to the Planned Development/Conditional Use Permit are approved to allow for the increase in floor area ratio from 0.20 to 0.26. **(Planning Division)**
3. The open space requirement on all lots except lot number 12 shall be decreased as indicated on the tentative map for the Pioneer Commerce Center dated January 11, 2002. **(Planning Division)**
4. Lot number 12 shall allocate 4.56 acres, or 34% of the site as open space. The open space shall also be indicated as a note on the Final Map. **(Planning Division)**

EXHIBIT "C"

APPLICATION NO. 01-076 THE PIONEER COMMERCE CENTER SUBDIVISION

FINDINGS

Tentative Map and Conditional Use Permit

Tentative Map

1. **The proposed subdivision, together with the provisions for its design, and improvement, is consistent with all applicable provisions of the Subdivision Map Act, the General Plan, any applicable Specific Plan, the Development Code, the Trails Master Plan, the Particulate Matter Air Quality Management Plan, and the Public Improvements and Engineering Standards.**

This finding is supported by the discussion contained in the "General Plan and Zoning Consistency" section of the Commission staff report dated May 8, 2002, and in Sections 1 (Aesthetics), 2 (Air Quality), 3 (Biological Resources), 7 (Hydrology and Water Quality), 8 (Land Use, Planning, Population, and Housing), 10 (Noise), 11 (Public Services), 13 (Transportation/Traffic), and 14 (Utilities and Service Systems) of the Initial Study/Mitigated Negative Declaration prepared for the Pioneer Commerce Center development through application number 00-111/PD-CUP-DP-LLA-ABN.

2. **The tentative map 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 proposed tentative map entails a division of land approved through a previously approved land development and no additional impacts to the environment will be created as a result of the land division that were not already anticipated through the original Pioneer Commerce Center project. As summarized in the Staff Report, a Notice of Determination was approved by the Town Council and filed with the California State Clearinghouse to adopt the Initial Study and Mitigated Negative Declaration for the Pioneer Commerce Center development on May 17, 2001. Although the project may have significant effects on the environment, mitigation measures have been incorporated into the project to eliminate or reduce each of these impacts to a less than significant level.

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

This finding is supported by the discussion contained in Sections 6 (Hazards and Hazardous Materials), 11 (Public Services), and 14 (Utilities and Service Systems) of the Initial Study/Mitigated Negative Declaration that was approved for the original Pioneer Commerce

Center development approved by the Town Council on May 17, 2001.

4. **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.**

The project complies with all applicable provisions of the Development Code as summarized in the "General Plan and Zoning Consistency" sections of the staff report dated May 8, 2002.

5. **The subdivision will not be detrimental to the public health, safety, or welfare of the Town, or injurious to the property or improvements in the vicinity in which the property is located.**

This finding is supported by the discussion contained in Section 6 (Hazards and Hazardous Materials) of the Initial Study/Mitigated Negative Declaration that was approved for the original Pioneer Commerce Center development approved by the Town Council on May 17, 2001.

6. **The proposed subdivision, together with the provisions for its design and improvements, will not conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision unless alternate easements for access or use will be provided and the alternate easements will be substantially equivalent to ones previously acquired by the public.**

All issues related to easements were addressed through the previous Pioneer Commerce Center development application number 00-111/PD-CUP-DP-LLA-ABN. Additionally, all parcels will be required to provide legal access consistent with Town standards, including, public utility easements that will allow water, sewer, and other utilities to be extended to the property.

7. **The discharge of sewage from the proposed subdivision into the community sewer system will comply with the requirements prescribed by the Lahontan Regional Water Quality Control Board.**

This finding is supported by the discussion contained in Section 14 (Utilities and Service Systems) of the Initial Study/Mitigated Negative Declaration that was approved for the original Pioneer Commerce Center development approved by the Town Council on May 17, 2001.

Conditional Use 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 relating to both on- and off-site improvements that are necessary to accommodate maximum flexibility in site planning and property development and to carry out the purpose, intent, and requirements of the respective zoning district, including prescribed development**

standards and applicable design guidelines.

This finding is supported by the discussion contained in the “General Plan and Zoning Consistency” sections of the Commission staff report dated May 8, 2002, and Section 8 (Land Use, Planning, Population, and Housing) of the Initial Study/Mitigated Negative Declaration that was approved for the original Pioneer Commerce Center development approved by the Town Council on May 17, 2001.

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

This finding is supported by the discussion contained in the “General Plan and Zoning Consistency” section of the Commission staff report dated May 8, 2002 and in Sections 1 (Aesthetics), 2 (Air Quality), 3 (Biological Resources), 7 (Hydrology and Water Quality), 8 (Land Use, Planning, Population, and Housing), 10 (Noise), 11 (Public Services), 13 (Transportation/Traffic), and 14 (Utilities and Service Systems) of the Initial Study/Mitigated Negative Declaration that was approved for the original Pioneer Commerce Center development approved by the Town Council on May 17, 2001.

- 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 “Site Design” section of the Commission staff report dated May 8, 2002, and Section 1 (Aesthetics) of the Initial Study/Mitigated Negative Declaration that was approved for the original Pioneer Commerce Center development approved by the Town Council on May 17, 2001.

- 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 development would not be detrimental to public health and safety.**

This finding is supported by the discussion contained in Sections 6 (Hazards and Hazardous Materials), 11 (Public Services), and 14 (Utilities and Service Systems) of the Initial Study/Mitigated Negative Declaration that was approved for the original Pioneer Commerce Center development approved by the Town Council on May 17, 2001.

- 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.**

The project complies with all applicable provisions of the Development Code except where noted in the Commission staff reports dated May 8, 2002.

7. **The subject site is served by streets adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed development.**

This finding is supported by the discussion contained in Section 13 (Transportation/Traffic) of the Initial Study/Mitigated Negative Declaration that was approved for the original Pioneer Commerce Center development approved by the Town Council on May 17, 2001.

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.**

This finding is supported by the discussion contained in Section 6 (Hazards and Hazardous Materials) of the Initial Study/Mitigated Negative Declaration that was approved for the original Pioneer Commerce Center development approved by the Town Council on May 17, 2001.

9. **The design, location, size, and operating characteristics of the proposed development would be compatible with the existing and future land uses in the vicinity.**

This finding is supported by the "Site and Building Design" sections of the Commission staff report dated May 8, 2002, and Sections 8 (Land Use, Planning, Population, and Housing) and 10 (Noise) of the Initial Study/Mitigated Negative Declaration that was approved for the original Pioneer Commerce Center development approved by the Town Council on May 17, 2001.

10. **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 Sections 2 (Air Quality), 5 (Geology and Soils), 6 (Hazards and Hazardous Materials), 7 (Hydrology and Water Quality), 10 (Noise), of 13 (Transportation / Traffic) of the Initial Study/Mitigated Negative Declaration that was approved for the original Pioneer Commerce Center development approved by the Town Council on May 17, 2001.

11. **The proposed development would produce a comprehensive development of superior quality 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 "Site Design" section of the Commission staff report dated May 8, 2002.

12. **The discharge of sewage from the proposed subdivision into the community sewer system will comply with the requirements prescribed by the Lahontan Regional Water Quality Control Board.**

This finding is supported by the discussion contained in Section 14 (Utilities and Service Systems) of the Initial Study/Mitigated Negative Declaration that was approved for the original Pioneer Commerce Center development approved by the Town Council on May 17, 2001.