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NOTICE OF VIOLATION

May 1, 2024

Ciro Mancuso
Hidden Lake Properties, Inc.
11050 Pioneer Trail, Suite 100
Truckee, CA 96161

RE: Notice of Violation: Pioneer Commerce Center Building K-4; APN 019-700-025 (10730 Pioneer Trail)

Dear Mr. Mancuso:

This letter serves as a Notice of Violation of California Building Code and Town of Truckee Development Code (Zoning Ordinance) requirements. The specified violations are:

I. California Building Code (CBC) Violation

CBC Section 105.1 Required: Any owner or owner's authorized agent who intends to repair, add to, alter, relocate, demolish, or change the occupancy of a building or to repair, install, add, alter, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the code official and obtain the required permit.

Staff finding: There was no issued building permit at the time of foundation installation or vertical construction as further identified in the "Timeline" section below.

II. Truckee Development Code (Municipal Code Article 18)

(i) **Development Code Section 18.01.040. A. New land uses or structures, changes to land uses or structures:** It shall be unlawful, and a violation of this Development Code, for any person to establish, construct, reconstruct, alter or replace any use of land or structure, except in compliance with the requirements of Section 18.02.020 (Requirements for Development and New Land Uses) and Chapter 18.130 (Nonconforming Uses, Structures and Parcels).

(ii) **Development Code Section 18.02.020 – Requirements for Development and New Land Uses.**

A. Allowable use. The land use shall be identified by Article II (Zoning Districts and Allowable Land Uses) as being allowable in the zoning district applied to the site.

B. Permit requirements. Any land use permit required by this Development Code shall be obtained before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in Section 18.02.030 (Exemptions from Land Use Permit Requirements). The land use permit requirements of this Development Code are established by Article II (Zoning Districts and Allowable Land Uses).

C. Development standards. The use and/or structures shall comply with all other applicable requirements of this Development Code, including the development standards of Article II (Zoning Districts and Allowable Land Uses), the provisions of Article III (Site Planning and General Development Standards), and the regulations of chapter 18.130 (Nonconforming Uses, Structures, and Parcels).

D. Legal parcel. The use and/or structures shall only be established on a parcel of land which has been legally created in compliance with the Subdivision Map Act, Article V (Subdivisions), and Chapter 18.86 (Lot Line Adjustments), as applicable at the time the parcel was created. Development and Land Use Approval Requirements

E. Previous approvals and agreements. The use and/or structures shall comply with applicable provisions and requirements of any of the following permits, entitlements or agreements:

1. **Conditions of approval.** Any conditions of approval imposed by any land use permit previously granted by the County or Town and still in effect;
2. **Development Agreements.** Any Development Agreement approved by the Town in compliance with Chapter 18.150 (Development Agreements) and still in effect;
3. **Planned Developments.** Any conditions of approval or other provisions imposed by a Planned Development previously approved by the County or Town and still in effect; and
4. **Subdivisions.** Any conditions of approval, restrictions or other provisions imposed by a subdivision map previously approved by the County or Town and recorded in the Nevada County Recorder's Office except as set forth in Section 18.03.020.G.4.

Staff finding: There was no approved land use permit on APN 19-700-025 at the time of foundation installation or vertical construction as further identified in the "Timeline" section below.

Timeline

This staff-prepared timeline details all dates and actions in support of the CBC and Development Code violations and serves as further findings in support of the Notice of Violation:

- July 6, 2023 – building permit application submitted to the Building Division
- July 10, 2023 – notification provided by the Town that the building application was not accepted for processing due to the expired land use permit (Planning Application No. 2016-00000035)
- July 27, 2023 – letter provided to the Planning Division by project agent requesting Community Development Director approval to proceed under the 2016-00000035 permit
- August 1, 2023 – Community Development Director emailed confirmation that land use permit 2016-00000035 is expired and that submittal of a new land use permit would be required
- August 3, 2023 – new land use permit application submitted to the Planning Division
- August 7, 2023 – land use permit application fee submitted and application was accepted by the Planning Division for processing
- September 5, 2023 – land use application routed to partner agencies and special districts for comments
- September 19, 2023 – end of routing comment period; staff reached out to agencies that had not yet provided comments/agency requirements
- September 25, 2023 – routing comments forwarded to project agent; agent notified of October Planning Commission hearing date

- October 2, 2023 – Planning Division mailed notices to surrounding property owners/Sierra Sun newspaper of the October 17, 2023 Planning Commission hearing
- October 12, 2023 – land use application staff report published
- October 16, 2023 – unpermitted work on APN 19-700-025 (project site) observed by Town staff during pre-Planning Commission meeting site inspection
- October 17, 2023 – stop work order posted on-site by Town Code Compliance; Planning Commission took action to continue review of the project due to the active code case. This was per Development Code:
 - **Development Code Section 18.200.080.F.3.** – Any property owner notified of a Code violation shall correct the violation before issuance, processing, approval or completion, as appropriate, of any discretionary permit application; and
 - **Development Section 18.200.040.D** - In addition, the Code Enforcement Director may withhold the processing of and/or issuance of any and all ministerial permits and discretionary land use permits, where a documented Code violation(s) exists, until the subject property is found to be in complete compliance with any and all applicable Code sections.
- October 18, 2023 – Chief Building Official and Community Development Director met with Ciro Mancuso on-site
- October 20, 2023 – Chief Building Official initiated investigation via email inquiry to Ciro Mancuso and requested the submission of additional information by Ciro Mancuso in support of the investigation
- October 20-November 1, 2023 – Investigation inquiry responses provide by email to Chief Building Official from Ciro Mancuso
- November 9, 2023 – Ciro Mancuso notified by Chief Building Official that vertical portion of the unpermitted construction is required to be disassembled
- February 12, 2024 – letter to the Town opposing Chief Building Official requirement to deconstruct the vertical unpermitted construction submitted by Ciro Mancuso
- February 28, 2024 – letter to Town on behalf of Ciro Mancuso submitted by Stoel Rives LLP acknowledging impasse regarding resolution of the Town's enforcement of unpermitted work at 19-700-025; response from Town Manager acknowledging that Ciro Mancuso is unwilling to dismantle the structure and advising the Town would be contacting the Contractor's State Licensing Board (CSLB) and that an abatement notice could be issued pending guidance from the State.
- March 14, 2024 – Chief Building Official initiated complaint with CSLB
- April 11, 2024 - It is the Town's understanding that the CSLB is currently investigating the unpermitted construction and that they may take additional action(s) depending on the conclusions of the investigation.

Notice of Violation Correction Required


The Chief Building Official finds that unpermitted construction, including foundation installation and vertical construction, occurred, was never inspected by the Town, has yet to be abated, and requires demolition/deconstruction. The Town previously notified you that the unpermitted construction for a boat storage building occurred without an approved land use permit and issued building permit and as of the date of this letter, the unpermitted construction and violations remain.

You are hereby notified that you have 15 days from the date of this letter (i.e.-no later than May 16, 2024) to obtain a demolition permit and initiate removal of all unpermitted construction, including all vertical components and the foundation. The unpermitted construction shall be remedied in full, meaning all unpermitted construction is removed from the site and the site is inspected by the Chief Building Official **no later than June 17, 2024**. You are encouraged to work with the Town to remedy the violations. Failure to comply with this Notice of Violation will result in

the issuance of an Order of Abatement and other code enforcement action that will continue to delay the ability to legally construct the boat storage building.

If you have any questions about this Notice of Violation, please feel free to contact me at (530) 582-2934 or by email at dnishimori@townoftruckee.com.

Sincerely,

A handwritten signature in blue ink that reads "Denyelle N. Nishimori". The signature is fluid and cursive, with a small flourish at the end.

Denyelle N. Nishimori
Community Development Director