



June 5, 2024

Kristen T. Castaños  
500 Capitol Mall, Suite 1600  
Sacramento, CA 95814  
D. 916.319.4655  
[kristen.castanos@stoel.com](mailto:kristen.castanos@stoel.com)

**VIA EMAIL**

Truckee Town Council  
c/o Community Development Department  
10183 Truckee Airport Road  
Truckee, CA 96161  
[dnishimori@townoftruckee.com](mailto:dnishimori@townoftruckee.com)  
[sring@townoftruckee.com](mailto:sring@townoftruckee.com)  
[planningdivision@townoftruckee.com](mailto:planningdivision@townoftruckee.com)

**Re: Appeal of Notice and Order to Abate: Pioneer Commerce Center Building K-4;  
APN 019-700-025 (10730 Pioneer Trail)**

Dear Truckee Town Council:

We respectfully submit this appeal pursuant to Development Code Chapter 18.200.050F on behalf of Ciro Mancuso and Hidden Lake Properties, Inc. ("Appellant") regarding the Town of Truckee's ("Town") Notice and Order to Abate ("Order"), dated May 28, 2024, on the Pioneer Commerce Center Building K-4. Due to the amount of time that has lapsed and the administrative back and forth on this appeal, we ask that the Town set this matter for hearing as soon as possible.

By way of background, on May 10, 2024, we submitted an appeal regarding the Town's Notice of Violation ("NOV"), dated May 1, 2024, for the Pioneer Commerce Center Building K-4. A copy of the NOV is enclosed as Exhibit 1. We inquired about a filing fee and staff notified us there was no filing fee. We then timely submitted an appeal on May 10, 2024. Staff confirmed receipt of the appeal via email and by file stamped copy on May 13, 2024. A copy of the file stamped appeal form is enclosed as Exhibit 2.

After not hearing from the Town for approximately three weeks following submission of the appeal, we followed up with the Community Development Director ("CDD") to request an update on the status of the Town's review and the date the appeal would be scheduled for hearing. Later that day, for the first time, the CDD informed us that the Town's NOV was an "informal notice" that was not appealable. The CDD attached a "formal" Notice and Order to Abate with an appeal form that is different from the forms listed on the Code Compliance section of the Town's website. A copy of the Order is enclosed as Exhibit 3. The CDD also informed us that there is an appeal fee of \$1,180. A copy of the CDD's email is enclosed as Exhibit 4.

The NOV was not labelled as “informal” and there was nothing to indicate the NOV was not appealable. The CDD’s determination is inconsistent with Development Code section 18.200.050(F) which states, “[a]ny person entitled who is dissatisfied with a public nuisance **or code violation determination** of the Code Enforcement Director **shall have the right to appeal** to the Town Council within 10 days from the date of mailing of the decision...” (Dev. Code, § 18.200.050(F)(1) (emphasis added).) The NOV fits within this category, as it was a code violation determination that directed immediate action to correct the violation.

The CDD claims the NOV was “informal notice” but based on the Town’s own timeline provided in the NOV, it is clear that informal notice was provided in October 2023 with the Town’s stop work order. As detailed more fully in the enclosed appeal, Appellant and the Town have been working to resolve this issue informally for almost over six months. In February 2024, we sent a letter to the Town stating staff and Appellant appeared to be at an impasse and requested an appealable order at that time. For staff to claim the NOV constituted informal notice attempting to resolve the Code violation at this time is disingenuous and yet another example of the Town’s unreasonable and inexcusable delay in this matter.<sup>1</sup> This additional month of delay provides further basis for Appellant’s legal claims and claims for damages against the Town, should this matter not be resolved in short order.

While Appellant maintains that the prior appeal was valid and reserves all rights in this regard, Appellant further appeals the Order and incorporates all arguments in the May 10 appeal by reference. We have enclosed a copy of Appellant’s appeal to the NOV as Exhibit 5 which should be treated by the Town as Appellant’s appeal to the May 28 Order. We have also enclosed Appellant’s signed verification and a copy of the completed form as Attachment A to this letter. Appellant is not limited to the arguments stated in the enclosed appeal and may provide additional arguments and facts as Appellant approaches the Town Council for hearing.

Appellant respectfully requests that the Town Council direct staff to withdraw the Order and permit development to continue with Building K-4 without further delay. In the alternative, Appellant requests that this matter be scheduled for appeal hearing as soon as possible.

Very truly yours,



Kristen T. Castaños

[Attachments and Enclosures listed on next page]

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<sup>1</sup> It remains unclear why the Town did not treat the NOV as appealable. It may be that the Town sought to remedy prior procedural defects in the NOV that Appellant raised in its prior appeal, including that the Town failed to provide notice of Appellant’s rights to appeal.

Attachments and Enclosures (via email):

Attachment A: Signed verification and completed appeal form

Exhibit 1: May 1, 2024 Notice of Violation

Exhibit 2: May 13, 2024 Receipt of Appeal to NOV

Exhibit 3: May 28, 2024 Notice and Order to Abate

Exhibit 4: Email from Denyelle Nishimori, dated May 29, 2024

Exhibit 5: Appeal to May 28, 2024 Notice and Order to Abate with Bookmarked Exhibits

# ATTACHMENT A



VERIFICATION

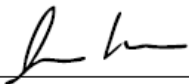
I, Ciro Mancuso, declare:

I am the President of Hidden Lake Properties, Inc., Appellant in the above-entitled appeal to the Truckee Town Council, and I am authorized to make this verification on its behalf.

I have read the June [], 2024 Appeal of Notice and Order to Abate: Pioneer Commerce Center Building K-4; APN 019-700-025 (10730 Pioneer Trail) and know the contents thereof.

The same is true of my knowledge, except as to those matters which are therein stated on information and belief and, as to those matters, I believe them to be true.

Executed at Truckee, California on June [], 2024.

  
\_\_\_\_\_  
Ciro Mancuso



## APPEAL APPLICATION FORM

## DEPARTMENT USE ONLY


APPLICATION NUMBER: \_\_\_\_\_ - \_\_\_\_\_ CDD FEE COLLECTED: \$ \_\_\_\_\_

## APPEAL TYPE

\_\_\_\_\_ Appeal to Planning Commission

\_\_\_\_\_ Appeal to Town Council

## APPELLANT TO COMPLETE

APPELLANT NAME(S) Hidden Lake Properties, Inc. , Ciro MancusoAPPELLANT EMAIL ciro.m@me.com PHONE 530-587-2167APPELLANT ADDRESS 11050 Pioneer Trail, Suite 100 CITY Truckee STATE CA ZIP 96161AGENT NAME(S) Ciro MancusoAGENT EMAIL ciro.m@me.com PHONE 530-587-2167AGENT ADDRESS 11050 Pioneer Trail, Suite 100 CITY Truckee STATE CA ZIP 96161NAME OF PROJECT BEING APPEALED Pioneer Boat Storage, Building K 4APPLICATION NUMBER OF PROJECT BEING APPEALED #2023-00000107PROJECT ADDRESS 10730 Pioneer Trail, Truckee ASSESSOR'S PARCEL NO. 019-700-025-000APPELLANT'S SIGNATURE  DATE June 5, 2024

If more than one appellant is listed on the application, please provide a list of appealing parties on a separate sheet.

# EXHIBIT 1

Town Council

David Polivy, Mayor

Jan Zabriskie, Vice Mayor

Anna Klovstad, Council Member  
Courtney Henderson, Council Member  
Lindsay Romack, Council Member



Department Heads

Jen Callaway, Town Manager  
Andy Morris, Town Attorney  
Danny Renfrow, Chief of Police  
Daniel Wilkins, Public Works Director/Town Engineer  
Denyelle Nishimori, Community Development Director  
Nicole Casey, Administrative Services Director  
Kelly Carpenter, Town Clerk  
Hilary Hobbs, Assistant to the Town Manager

## 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](mailto: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

# EXHIBIT 2



**SEND REQUEST TO:** TOWN OF TRUCKEE CODE COMPLIANCE  
10183 TRUCKEE AIRPORT ROAD  
TRUCKEE, CA 96161-3306  
(530) 582-2919 FAX: (530) 582-7889  
[www.townoftruckee.com](http://www.townoftruckee.com)

# EXHIBIT 3

Town Council

David Polivy, Mayor

Jan Zabriskie, Vice Mayor

Anna Klovstad, Council Member  
Courtney Henderson, Council Member  
Lindsay Romack, Council Member



Department Heads

Jen Callaway, Town Manager  
Andy Morris, Town Attorney  
Danny Renfrow, Chief of Police  
Daniel Wilkins, Public Works Director/Town Engineer  
Denyelle Nishimori, Community Development Director  
Nicole Casey, Administrative Services Director  
Kelly Carpenter, Town Clerk  
Hilary Hobbs, Assistant to the Town Manager

## NOTICE AND ORDER TO ABATE

May 28, 2024

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

**RE: Notice and Order to Abate: Pioneer Commerce Center Building K-4; APN 019-700-025 (10730 Pioneer Trail)**

Dear Mr. Mancuso:

Pursuant to Development Code Section 18.200.050.B (Initial Enforcement Action, Notice to Responsible Parties) you are hereby notified in writing that a Code violation is being maintained at 10730 Pioneer Trail/APN 019-700-025. The conditions which constitute Code violations are California Building Code and Town of Truckee Development Code violations described further below:

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 of Attachment #1.

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;
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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.

This notice supersedes the Town's May 1, 2024 informal Notice of Violation (Attachment 1) and serves as the Town's formal notice to **abate the unpermitted construction described above on or before June 28, 2024.** Pursuant to Development Code Section 18.200.050.B.11, the informal notice was issued in accordance with the Town's standard practice of issuing informal notices before a formal notice and abatement order. As noted in Section 18.200.050.B.11, the Town utilizes this process with the expectation that it will save time, money and resources for all parties involved.

You are hereby ordered to (1) secure a demolition permit from the Town Building Division and to physically commence with deconstruction of all unpermitted vertical components (i.e.-steel framing); (2) to demolish the concrete foundation (i.e.-removal of all concrete and restoration of the site to pre-unpermitted foundation installation conditions); (3) to receive a final inspection by the Chief Building Official and; (4) to receive final sign-off on/approval of the demolition permit from the Town Building Division on or before June 28, 2024.

Disposal of any material(s) associated with this Code violation shall be conducted in a legal manner. The Chief Building Official may permit reuse of unpermitted erected steel framing components with sufficient evidence to demonstrate no damage occurred following installation of the unpermitted construction and/or during deconstruction. The Chief Building Official's formal determination will be made at the request of the property owner and within five working days of permitted demolition/deconstruction.

Be advised that I, under my Code Enforcement Director authority, may proceed to cause the work to be done and may bill the property owner, Ciro Mancuso, for the abatement costs and/or assess the costs against the property for failure to comply with this notice and abate the unpermitted construction/obtain, commence and complete the required unpermitted construction demolition by June 28, 2024.

Be advised that the Town may charge the property owner for all administrative costs associated with the abatement of the violations in compliance with Development Code Section 18.200.080 (Recovery of Costs), and/or initiate legal action as described in Development Code Section 18.200.070 (Legal Remedies).

Be advised that any person having an interest or record title in the property may request an administrative hearing of the notice and order or any action of the enforcement within 10 days from the date of service of the notice and order.

Be advised that at the time this notice and order is served or anytime thereafter, I may file in the Office of the County Recorder a certificate legally describing the property and certifying that a Code violation exists on the property and that the property owner has been so notified (i.e.- record a notice against the property in the Office of the County Recorder). I may then file a new certificate with the County Recorder which indicates that the Code violation has been abated whenever the following action has occurred:

- a. Corrections ordered have been completed so that a code violation or public nuisance no longer exists on the subject property as described in the original certificate;
- b. The notice and order is rescinded upon appeal; or
- c. Whenever the Town abates the nuisance and the abatement costs have been paid.

Be advised that you may request and be provided a meeting with me as Code Enforcement Director to discuss possible methods and time limits for the correction of the violations.

### **Appeal**

Be advised that you have the right to appeal this determination to the Town Council in accordance with Development Code Chapter 18.200 (Enforcement). Pursuant to Development Code Section 18.200.050.F, a written appeal to Town Council shall be filed with the Town Planning Division, together with a filing fee (and appeal application form, included in this letter as Attachment #2), within 10 days from the date of mailing of this decision which is **by 5 p.m., Friday, June 7, 2024.**

If no appeal is filed within 10 days from the date of mailing of this notice, my action shall be deemed final.

If you have any questions about this Notice and Order to Abate, please feel free to contact me at (530) 582-2934 or by email at [dnishimori@townoftruckee.com](mailto:dnishimori@townoftruckee.com).

Sincerely,



Denyelle N. Nishimori  
Community Development Director

Attachment #1 – May 1, 2024 Notice of Violation  
Attachment #2 – Appeal Form

## ATTACHMENT #1

### Town Council

David Polivy, Mayor

Jan Zabriskie, Vice Mayor

Anna Klovstad, Council Member  
Courtney Henderson, Council Member  
Lindsay Romack, Council Member



### Department Heads

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May 1, 2024

Ciro Mancuso  
Hidden Lake Properties, Inc.  
11050 Pioneer Trail, Suite 100  
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**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).

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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:

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- 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

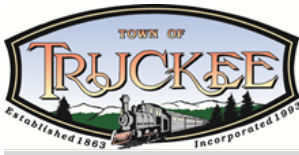
the issuance of an Order of Abatement and other code enforcement action that will continue to delay the ability to legally construct the boat storage building.

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](mailto: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

**APPEAL APPLICATION FORM****DEPARTMENT USE ONLY**

APPLICATION NUMBER: \_\_\_\_\_ - \_\_\_\_\_ CDD FEE COLLECTED: \$ \_\_\_\_\_

**APPEAL TYPE**

\_\_\_\_\_ Appeal to Planning Commission

\_\_\_\_\_ Appeal to Town Council

**APPELLANT TO COMPLETE**

APPELLANT NAME(S) \_\_\_\_\_

APPELLANT EMAIL \_\_\_\_\_ PHONE \_\_\_\_\_

APPELLANT ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_ ZIP \_\_\_\_\_

AGENT NAME(S) \_\_\_\_\_

AGENT EMAIL \_\_\_\_\_ PHONE \_\_\_\_\_

AGENT ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_ ZIP \_\_\_\_\_

NAME OF PROJECT BEING APPEALED \_\_\_\_\_

APPLICATION NUMBER OF PROJECT BEING APPEALED \_\_\_\_\_

PROJECT ADDRESS \_\_\_\_\_ ASSESSOR'S PARCEL NO. \_\_\_\_\_

APPELLANT'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**If more than one appellant is listed on the application, please provide a list of appealing parties on a separate sheet.**

# EXHIBIT 4

**Lerma, Rebecca M.**

---

**From:** Denyelle Nishimori <DNishimori@townoftruckee.com>  
**Sent:** Wednesday, May 29, 2024 3:13 PM  
**To:** Castanos, Kristen T.  
**Cc:** Andy Morris; Jen Callaway  
**Subject:** Re: Appeal of Notice of Violation: Pioneer Commerce Center Building K-4 [SR-ACTIVE.FID5827945]  
**Attachments:** K4 Formal NOV and Abatement Order 5-28-24.pdf

Hi Kristen-

The May 1, 2024 Notice of Violation was an informal notice (Development Code Section 18.200.050.B.11 - *Informal notice may precede the formal notice described above. Often, the Code violation can be resolved as a result of this informal notice, which saves time, money, and resources for all persons involved.*). Understanding that the owner is interested in appealing, I issued the formal Notice and Order to Abate via certified mail late yesterday. Attached is a copy along with an appeal form. The appeal fee is \$1,180. The appeal application can be emailed to [planningdivision@townoftruckee.com](mailto:planningdivision@townoftruckee.com). If you would like to pay the appeal fee over-the-phone, please include this request in the appeal email and a planner will contact you to take the payment. The appeal can also be submitted in person between the hours of 8am-5pm, Monday through Thursday at the Town Hall Building Division counter.

Please note that both the application and fee will need to be received by the Planning Division for the application to be accepted for processing. If you would like to include any/all of the information you previously submitted on May 13, 2024, please let me know and we can include that with the appeal application.



Denyelle N. Nishimori  
Community Development Director  
Ph: 530-582-2934

---

**From:** Castanos, Kristen T. <kristen.castanos@stoel.com>  
**Sent:** Wednesday, May 29, 2024 1:32 PM  
**To:** Denyelle Nishimori <DNishimori@townoftruckee.com>  
**Cc:** Kelly Carpenter <kcarpenter@townoftruckee.com>  
**Subject:** Appeal of Notice of Violation: Pioneer Commerce Center Building K-4 [SR-ACTIVE.FID5827945]

Regarding the Notice of Appeal filed on May 13, 2024 related to the Notice of Violation for the Pioneer Commerce Center K-4 building, receipt of which was confirmed in the attached document, please provide an update on the status of the Town's review of the appeal and the date the appeal will be scheduled for hearing before the Town Council.

Thank you,  
Kristen

**Kristen Castanos** | Attorney

**STOEL RIVES LLP** | 500 Capitol Mall, Suite 1600 | Sacramento, CA 95814

Direct: (916) 319-4655 | Mobile: (916) 803-3534

[kristen.castanos@stoel.com](mailto:kristen.castanos@stoel.com) | [Bio](#) | [vCard](#) | [www.stoel.com](http://www.stoel.com)



This email may contain material that is confidential, privileged, and/or attorney work product for the sole use of the intended recipient. Any unauthorized review, use, or distribution is prohibited and may be unlawful.

Town Council

David Polivy, Mayor

Jan Zabriskie, Vice Mayor

Anna Klovstad, Council Member  
Courtney Henderson, Council Member  
Lindsay Romack, Council Member



Department Heads

Jen Callaway, Town Manager  
Andy Morris, Town Attorney  
Danny Renfrow, Chief of Police  
Daniel Wilkins, Public Works Director/Town Engineer  
Denyelle Nishimori, Community Development Director  
Nicole Casey, Administrative Services Director  
Kelly Carpenter, Town Clerk  
Hilary Hobbs, Assistant to the Town Manager

## NOTICE AND ORDER TO ABATE

May 28, 2024

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

**RE: Notice and Order to Abate: Pioneer Commerce Center Building K-4; APN 019-700-025 (10730 Pioneer Trail)**

Dear Mr. Mancuso:

Pursuant to Development Code Section 18.200.050.B (Initial Enforcement Action, Notice to Responsible Parties) you are hereby notified in writing that a Code violation is being maintained at 10730 Pioneer Trail/APN 019-700-025. The conditions which constitute Code violations are California Building Code and Town of Truckee Development Code violations described further below:

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 of Attachment #1.

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.

This notice supersedes the Town's May 1, 2024 informal Notice of Violation (Attachment 1) and serves as the Town's formal notice to **abate the unpermitted construction described above on or before June 28, 2024.** Pursuant to Development Code Section 18.200.050.B.11, the informal notice was issued in accordance with the Town's standard practice of issuing informal notices before a formal notice and abatement order. As noted in Section 18.200.050.B.11, the Town utilizes this process with the expectation that it will save time, money and resources for all parties involved.

You are hereby ordered to (1) secure a demolition permit from the Town Building Division and to physically commence with deconstruction of all unpermitted vertical components (i.e.-steel framing); (2) to demolish the concrete foundation (i.e.-removal of all concrete and restoration of the site to pre-unpermitted foundation installation conditions); (3) to receive a final inspection by the Chief Building Official and; (4) to receive final sign-off on/approval of the demolition permit from the Town Building Division on or before June 28, 2024.

Disposal of any material(s) associated with this Code violation shall be conducted in a legal manner. The Chief Building Official may permit reuse of unpermitted erected steel framing components with sufficient evidence to demonstrate no damage occurred following installation of the unpermitted construction and/or during deconstruction. The Chief Building Official's formal determination will be made at the request of the property owner and within five working days of permitted demolition/deconstruction.



Be advised that I, under my Code Enforcement Director authority, may proceed to cause the work to be done and may bill the property owner, Ciro Mancuso, for the abatement costs and/or assess the costs against the property for failure to comply with this notice and abate the unpermitted construction/obtain, commence and complete the required unpermitted construction demolition by June 28, 2024.

Be advised that the Town may charge the property owner for all administrative costs associated with the abatement of the violations in compliance with Development Code Section 18.200.080 (Recovery of Costs), and/or initiate legal action as described in Development Code Section 18.200.070 (Legal Remedies).

Be advised that any person having an interest or record title in the property may request an administrative hearing of the notice and order or any action of the enforcement within 10 days from the date of service of the notice and order.

Be advised that at the time this notice and order is served or anytime thereafter, I may file in the Office of the County Recorder a certificate legally describing the property and certifying that a Code violation exists on the property and that the property owner has been so notified (i.e.- record a notice against the property in the Office of the County Recorder). I may then file a new certificate with the County Recorder which indicates that the Code violation has been abated whenever the following action has occurred:

- a. Corrections ordered have been completed so that a code violation or public nuisance no longer exists on the subject property as described in the original certificate;
- b. The notice and order is rescinded upon appeal; or
- c. Whenever the Town abates the nuisance and the abatement costs have been paid.

Be advised that you may request and be provided a meeting with me as Code Enforcement Director to discuss possible methods and time limits for the correction of the violations.

### **Appeal**

Be advised that you have the right to appeal this determination to the Town Council in accordance with Development Code Chapter 18.200 (Enforcement). Pursuant to Development Code Section 18.200.050.F, a written appeal to Town Council shall be filed with the Town Planning Division, together with a filing fee (and appeal application form, included in this letter as Attachment #2), within 10 days from the date of mailing of this decision which is **by 5 p.m., Friday, June 7, 2024.**

If no appeal is filed within 10 days from the date of mailing of this notice, my action shall be deemed final.

If you have any questions about this Notice and Order to Abate, please feel free to contact me at (530) 582-2934 or by email at [dnishimori@townoftruckee.com](mailto:dnishimori@townoftruckee.com).

Sincerely,



Denyelle N. Nishimori  
Community Development Director

Attachment #1 – May 1, 2024 Notice of Violation  
Attachment #2 – Appeal Form

## ATTACHMENT #1

### Town Council

David Polivy, Mayor

Jan Zabriskie, Vice Mayor

Anna Klovstad, Council Member  
Courtney Henderson, Council Member  
Lindsay Romack, Council Member



### Department Heads

Jen Callaway, Town Manager  
Andy Morris, Town Attorney  
Danny Renfrow, Chief of Police  
Daniel Wilkins, Public Works Director/Town Engineer  
Denyelle Nishimori, Community Development Director  
Nicole Casey, Administrative Services Director  
Kelly Carpenter, Town Clerk  
Hilary Hobbs, Assistant to the Town Manager

## 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:

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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.
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- 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

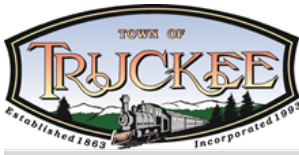
the issuance of an Order of Abatement and other code enforcement action that will continue to delay the ability to legally construct the boat storage building.

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](mailto: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

**APPEAL APPLICATION FORM****DEPARTMENT USE ONLY**

APPLICATION NUMBER: \_\_\_\_\_ - \_\_\_\_\_ CDD FEE COLLECTED: \$ \_\_\_\_\_

**APPEAL TYPE**

\_\_\_\_\_ Appeal to Planning Commission

\_\_\_\_\_ Appeal to Town Council

**APPELLANT TO COMPLETE**

APPELLANT NAME(S) \_\_\_\_\_

APPELLANT EMAIL \_\_\_\_\_ PHONE \_\_\_\_\_

APPELLANT ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_ ZIP \_\_\_\_\_

AGENT NAME(S) \_\_\_\_\_

AGENT EMAIL \_\_\_\_\_ PHONE \_\_\_\_\_

AGENT ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_ ZIP \_\_\_\_\_

NAME OF PROJECT BEING APPEALED \_\_\_\_\_

APPLICATION NUMBER OF PROJECT BEING APPEALED \_\_\_\_\_

PROJECT ADDRESS \_\_\_\_\_ ASSESSOR'S PARCEL NO. \_\_\_\_\_

APPELLANT'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**If more than one appellant is listed on the application, please provide a list of appealing parties on a separate sheet.**

# EXHIBIT 5





May 10, 2024

Kristen T. Castaños  
500 Capitol Mall, Suite 1600  
Sacramento, CA 95814  
D. 916.319.4655  
kristen.castanos@stoel.com

**VIA EMAIL**

Truckee Town Council  
c/o Community Development Department  
10183 Truckee Airport Road  
Truckee, CA 96161  
[dnishimori@townoftruckee.com](mailto:dnishimori@townoftruckee.com)  
[sring@townoftruckee.com](mailto:sring@townoftruckee.com)

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

Dear Truckee Town Council:

Pursuant to the Town of Truckee ("Town") Development Code section 18.200.050(F), we respectfully submit this appeal on behalf of Ciro Mancuso and Hidden Lake Properties, Inc. ("Appellant") regarding the Town's Notice of Violation ("NOV"), dated May 1, 2024, for the Pioneer Commerce Center Building K-4.

The Town's findings and proposed remedy in the NOV are unfounded and Appellant respectfully asks the Town Council to direct staff to withdraw the NOV and permit construction of Building K-4 to continue without further delay. Appellant has worked collaboratively with the Town for many years and seeks a reasonable resolution of this matter so that it can continue building improvements that will benefit the Town and its residents. As noted on the appeal form submitted concurrently herewith, Appellant requests a hearing on this appeal before the Town Council. Thank you for your consideration of this important matter.

**Appeal of NOV**

**I. The Assessor's Parcel Number and street address of the property;**

APN: 019-700-025

Street Address: 10730 Pioneer Trail Truckee, CA 96161

## **II. The determination being appealed;**

Notice of Violation of California Building Code and Town of Truckee Development Code, dated May 1, 2024, by Denyelle N. Nishimori, Community Development Director (“CDD”). (**Exhibit 1** [May 1, 2024 Notice of Violation].)

## **III. The owner's or appealing party's legal interest in the property;**

Appellant owns and/or is the permittee for the property that is the subject of this appeal.

## **IV. A statement of disputed and undisputed facts;**

Pioneer Commerce Center was initially approved in 2001 (Town of Truckee Application #00-111a; Resolution 2001-25). The Center is comprised of three phases: Phases I, II, and III. Phase I is located south of Pioneer Trail and includes five constructed industrial/office buildings. Phase II is located north of Pioneer Trail and consists of nine buildings (including industrial, a fitness gym, and an apartment building). Phase III is located along Trails End Road, which is accessed off Pioneer Trail, and is an industrial subdivision consisting of 17 lots.

Phase II was approved in 2005 through a Development Permit and Planned Development (Town of Truckee Application #00-111b). Phase II allowed buildout of buildings K-1, K-3, K-4, H, L and M. The Planning Commission approved a new development permit in 2016 to construct the remaining six buildings – K-1, K-3, K-4, H, L and M (**Exhibit 2** [Town of Truckee Application #2016-00000035], **Exhibit 3** [Resolution 2016-13]) (“2016 Development Permit”). In conjunction with the 2016 Development Permit, Appellant requested a 10-year timeframe to allow a phased buildout of the remaining buildings. The Planning Commission approved subsequent project amendments in 2017 and 2019 for the Phase II development (**Exhibit 4** [Resolution 2017-16] and **Exhibit 5** [Resolution 2019-10]).<sup>1</sup> Building K-1 was completed in 2017 and construction of Buildings K-3 and L were completed in 2018. Buildings H and M were completed in 2021.

Appellant began planning for construction of Building K-4 in 2020 but, due to COVID-19 restrictions and delays, had to pause work until 2022. In 2022, Appellant resumed planning and ordered the premanufactured steel frame building for delivery in August 2023. On July 6, 2023, Appellant, through Lot C Architecture, submitted an application package to the Building Department.

On July 10, 2023, Appellant received notice from staff that the 2016 Development Permit may have expired. (**Exhibit 6** [Email from Laura Dabe to Ciro Mancuso, dated July 10, 2023].) Appellant responded via letter on July 27, 2023 to the CDD questioning this conclusion based on

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<sup>1</sup> The 2017 and 2019 amendments amended the uses and sizes of Buildings H and M and allowable floor areas for the restaurant related uses.

prior permit approvals and amendments. (**Exhibit 7** [Letter from Ciro Mancuso to Denyelle Nishimori, dated July 27, 2023].) On August 1, 2023, in response, the CDD explained that staff determined the 2016 Development Permit had expired and said:

The path forward would be to submit a new land use application. Because this would be for a previously approved project, it would be a quick process on our end. I also think the Planning Commission would be supportive. I think if you could submit soon, we can get it on the next available Planning Commission agenda. I am also happy to meet if you want to discuss this further. (**Exhibit 9** [Email from Denyelle Nishimori dated August 1, 2023].)

For the reasons described below in section V(A), Appellant disputes staff's conclusion that a new land use permit is needed for construction of Building K-4.

Without waiving any rights and in order to commence construction in the 2023 building season, Appellant accordingly followed the CDD's direction and requested approval of a Development Permit and Zoning Clearance to re-approve Building K-4, the proposed boat storage building that was approved in 2016 and amended in 2017. Appellant submitted the land use application package on August 3, 2023, two days after receiving staff's email quoted above.<sup>2</sup> Appellant did not propose any changes to the previously approved building architecture or site design. Staff acknowledged receipt of the application on August 7, 2023 and deemed the application complete on September 5, 2023. (**Exhibit 10** [Letter from Laura Dabe dated September 5, 2023].)

Despite staff assurances that it would be a quick process and Appellant's requests to process the application in a timely manner, due to staff delays, Appellant's application did not make it on the August or September Planning Commission meetings. (**Exhibit 11** [Emails between Ciro Mancuso and Town between September 21 and September 25, 2023].)

Based on the understanding that the 2016 Development Permit remained valid, all permits had been applied for with the Town, and staff's assurance that it would be a quick approval process, Appellant began construction of the foundation and related site work in early fall 2023 to ensure excavation and ground disturbance would be completed by October 15, 2023.

On October 17, 2023, Appellant received a Stop Work Order and has since stopped all work on the project.

Also on October 17, 2023, Appellant's application for a new development permit was on the agenda to go before the Planning Commission. The October 17, 2023, the Planning Commission staff report recommended approval of the permit and stated:

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<sup>2</sup> Shortly following the submittal of the application, 19 truckloads of the steel frame building were delivered to the project site which as referenced above had been ordered prior to the CDD's erroneous demand that a new land use permit was required.

The proposed building construction will allow completion of Pioneer Commerce Center Phase II project. Pioneer Commerce Center was initially envisioned in the early 2000s as a large-scale industrial subdivision. Over time, the Center has fulfilled the ongoing demand for industrial square footage within the town. The Center has been thoughtfully designed and well-managed and has proven to be an important asset toward maintaining Truckee's presence with respect to light industrial and manufacturing uses. New requirements have also been incorporated to ensure the project's compatibility with today's regulatory framework. It is staff's opinion that the findings necessary to approve the requested Development Permit and Zoning Clearance can be made and staff is recommending approval of the project. (**Exhibit 12** [Planning Commission Agenda Packet for October 17, 2023 Meeting, p. 41].)

At the Planning Commission meeting, staff abruptly changed their recommendation and advised the Planning Commission that it could not hear the application request due to the pending enforcement. The minutes state, "Staff explained there have been new revelations today related to unpermitted work on this project. The Development Code states the Commission cannot take action on projects for land use applications where there is an active code case." (**Exhibit 13** [Planning Commission Minutes for October 17, 2024 Meeting, p. 2].) Appellant disputes this conclusion, as the Truckee Code did not prohibit the Planning Commission from taking action.<sup>3</sup>

Since October 2023, staff and Appellant have engaged in extensive discussions. Staff and Appellant's negotiations focused on the Town's safety questions on the existing structure. Appellant promptly responded to all staff inquiries for information on the foundation that was constructed. Appellant submitted letters and reports from Maple Brook Engineering, Inc., the engineering company that designed the foundation slab, confirming the work was done in compliance with structural plans. (**Exhibit 8** [July 28, 2023 Letter from Maple Brook Engineering to Town].) Appellant hired two engineering firms – Maple Brook Engineering, Inc., and Youngdahl Consulting Group, Inc. – to inspect and provide reports in response to staff's comments and questions.

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<sup>3</sup> The Development Code provides "any property owner notified of a Code violation shall correct the violation before issuing processing, approval or completion, as appropriate, of any discretionary permit application." (Development Code, § 18.200.080F.) Appellant readily corrected the violation with his immediate cessation of work. Moreover, the violation here would have been corrected by the issuance of the Development Permit and subsequent issuance of an after-the-fact building permit.

In direct contradiction to the information Appellant provided that confirmed the structure was built to plan and in a safe manner, the Chief Building Official (“CBO”) requested that Appellant dismantle the steel structure. Appellant did not agree to this proposal. In effort to find a mutually beneficial and reasonable solution, Appellant proposed several other steps including to engage a Special Inspector to review and evaluate the assembly and bolting that has been completed to date and to have a licensed Structural Engineer monitor all future construction. (**Exhibit 14** [February 12, 2024 Letter to Town from Ciro Mancuso].) The CBO did not agree to these steps. Instead, the Town contacted the Contractor’s State Licensing Board (“CSLB”) to initiate a complaint against the unpermitted construction and to request state action. This is unprecedented in our experience with the Town. Historically, the Town has not required improvements to be demolished and rather issues a fine and/or takes other less drastic measures to ensure the improvements are code compliant.

In February 2024, our office sent a letter to Andy Morris, Town Attorney, stating Town staff and Appellant appeared to be at an impasse regarding the enforcement dispute over Building K-4. We requested that Town staff either process Appellant’s permit application or issue an abatement order so that Appellant could exercise his right to appeal staff’s final action to Town Council. (**Exhibit 15** [February 28, 2024 Letter from Kristen Castanos to Andy Morris].) Town staff refused to take either action, placing Appellant in a legal limbo where he could not use his property, move forward with the project, or pursue appeals to reach final resolution of the issue. (**Exhibit 16** [February 28, 2024 Email from Jen Callaway to Kristen Castanos].)

In March 2024, Appellant submitted a Structural Steel and Welding Report from Youngdahl Consulting Group, Inc. that confirmed the building up to this point has been built per approved plans, all structural connections are fully visible and accessible for inspection, and that, due to the size of the structure dismantling and reassembling, demolition may cause unnecessary stress, damage, and safety hazards. (**Exhibit 17** [March 20, 2024 Engineer Structural Field Report].) Brandon Helms from Maple Brook Engineering, Inc., one of Appellant’s engineers, met with the CBO and sent follow-up inquires on several occasions in March and April 2024 in attempts to reach a reasonable resolution of this matter. (**Exhibit 18** [Emails from Brandon Helms to Mike Ross].) The CBO did not respond to these communications.

On April 30, 2024, the CDD emailed Appellant’s engineer and advised that the Town would not process a building permit application for Building K-4 until the existing structure and foundation were removed. Appellant received the NOV on May 1, 2024 that purports to require Appellant to obtain a demolition permit and remove all unpermitted construction, including all vertical components and the foundation<sup>4</sup> by June 17, 2024.

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<sup>4</sup> The inclusion of removal of the foundation in the NOV represents a reversal in staff opinion, as staff previously advised that foundation would not need to be removed. It is unclear why foundation is included in the NOV, as staff did not provide any explanation.

Appellant timely appeals the NOV to the Town Council. As further explained below, the Town's refusal to issue a building permit for Building K-4 based on the presumption that a new development permit is needed is unfounded, as the 2016 Development Permit remains in effect. In addition, staff has failed to provide Appellant with his Due Process rights, deprived Appellant of use of his property, and proposed a remedy that violates California law and policy<sup>5</sup> on not creating excessive waste.

**V. A statement specifying that portion of the decision or hearing proceedings that are being appealed together with any evidentiary and supporting materials that would support the appeal; and**

Appellant appeals the CDD's decision that construction completed in 2023 on Building K-4 requires demolition/deconstruction, and staff's underlying decision that a new land use permit is needed to complete construction of Building K-4.

**A. A New Permit Is Not Required to Construct Building K-4**

Appellant does not need to obtain a new Development Permit to construct Building K-4, as the 2016 Development Permit has not expired as to subsequent phases of development under the Town's Code and Appellant has fundamental vested rights to complete construction under the prior approvals.

**i. The Permit Approved Phased Development and Does Not Expire Under Development Code Section 18.84.050**

Staff erroneously determined that the 2016 Development Permit expired in 2020. The 2005 and 2016 Development Permits, however, approved a phased development (Phases I, II, and III). Since Building K-4 is part of a subsequent phase of development, there is no construction completion date and no corresponding expiration date under the Code.

Development Code section 18.84.050 provides time limits and phasing for land use permits and entitlements. There are standard time limits that apply to permits and entitlements without provisions for phasing and separate time limits for phased projects. As explained above, the Center is a phased development. Phase II was approved in 2005. The first four of eleven buildings were constructed under the 2005 permit. In 2016, the Planning Commission approved the next part of Phase II, consisting of buildings K-1, K-3, K-4, H, L, and M via the 2016 Development Permit. The Planning Commission then approved amendments to Phase II development in 2017 and 2019. The 2017 and 2019 permits do not provide an expiration date

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<sup>5</sup> This law and policy includes CSLB's regulations. The Town sought to have CSLB enforce its regulations but then issued the NOV that squarely conflicts with CSLB regulations.

but rather cite section 18.84.050 and state approval is valid for 24 months, unless extended per section 18.84.055<sup>6</sup>.

Pursuant to section 18.84.050 section (B), phased development projects must follow the following timeframes:

- The first phase and subsequent phases are deemed expired if the land use permit for the first phase is not exercised within two years of approval. A permit is not deemed “exercised” until the permittee has obtained necessary building permits for the first phase and diligently pursued construction;
- Construction of all structures and other features in the first phase must be completed within four years from the date of approval of the land use permit; and
- For subsequent phases, the land use permit is deemed expired if it is not exercised within two years after the land use permit has been exercised on the previous phase. (Development Code, § 18.84.050.)

Building K-4 is part of a subsequent phase of development in the multi-phase development of the Center. As such, the only timing requirement that applies under section 18.84.050 is that the permit must be exercised within two years. Appellant exercised the Phase II approval within two years of issuance and amendment, as Building K-1 was completed in 2017, Buildings K-3 and L were completed in 2018, and Buildings H and M were completed in 2021. Section 18.84.050 does not require subsequent phases to be completed within 4 years.

In sum, there is no basis to support staff’s conclusion that Appellant needs to obtain a new land use permit to build Building K-4, as the 2016 Development Permit, which was amended in 2017 and 2019, was exercised within two years and remains valid. It follows that there is no basis to require Appellant to demolish the 2023 construction, which was lawfully conducted under the 2016, 2017, and 2019 land use approvals.

ii. Appellant had Vested Rights in the 2016 Development Permit

In addition to the fact that a new land use permit is not required for Building K-4 under the Code, Appellant has a fundamental vested right in the 2016, 2017, and 2019 land use approvals that establishes the legal right to proceed with construction of Building K-4 without a new land use permit.

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<sup>6</sup> Development Code section 18.84.055 governs extensions of time to establish a use, not construct buildings in each phase. (Development Code, § 18.84.055.)

Where a permit, such as use permit, is granted and the successful applicant thereafter acts upon it to its detriment, the landowner has a vested right. *HPT IHG-2 Properties Tr. v. City of Anaheim* (2015) 243 Cal.App.4th 188, 199 (citing *Malibu Mountains Recreation, Inc. v. County of Los Angeles* (1998) 67 Cal. App. 4th 359, 367). An entity acquires vested rights to continue its existing land use if it performs substantial work and incurs substantial liabilities in a good-faith reliance upon a permit issued by a government agency. (*Avco Cmty. Developers, Inc. v. S. Coast Reg'l Comm'n* (1976) 17 Cal.3d 785, 791.)

*Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519 (“*Goat Hill*”) is instructive. In *Goat Hill*, the plaintiff owner of a tavern, which had been in business for over 35 years, applied for a new conditional use permit for the purpose of refurbishing the tavern. (*Id.* at 1523.) The defendant City of Costa Mesa issued a permit with a six-month expiration date, and with the proviso that a renewal could be requested. (*Ibid.*) In reliance on the permit, the plaintiff owner invested more than \$1.75 million to refurbish the tavern. (*Ibid.*) The city subsequently denied the owner’s request for a renewal of the permit. (*Ibid.*)

The Court of Appeal found that the owner of Goat Hill Tavern had a fundamental vested right in the tavern’s continued operation. The court reasoned that “[o]nce a use permit has been properly issued the power ... to revoke it is limited.... Where a permit has been properly obtained and in reliance thereon the permittee has incurred material expense, he acquires a vested property right to the protection of which he is entitled.” (*Id.* at 1530 (citations omitted).) The court found that “[b]y simply denying renewal of its conditional use permit, the city destroyed a business which has operated legally for 35 years.” (*Id.* at 1531.) The court further explained that “[i]nterference with the right to continue an established business is far more serious than the interference a property owner experiences when denied a conditional use permit in the first instance.” (*Id.* at 1529.)

Here, Appellant received a Development Permit to construct Phase II of the Center in 2005 and 2016 and performed substantial work and incurred expenses in good faith reliance on the permits. Development permits fall within the definition of “Land use permit” in the Development Code which is defined as “[a]uthority granted by the Town to use a specified site for a particular purpose, including Conditional Use Permits and Minor Conditional Use Permits, Development Plans and Minor Development Plans, Planned Development Permits, Temporary Use Permits, Variances and minor Variances, and Zoning Clearances, as established by Article IV (Land Use and Development Permit Procedures) of this Development Code.” (Development Code, § 18.220.020(L).)

Like the owner of the tavern in *Goat Hill* acquired vested rights vis-à-vis its conditional use permit, Appellant acquired vested rights through the 2016 Development Permit. The effect of fundamental vested rights is that a nonjudicial body may not permit their extinction. (*Goat Hill, supra*, at p. 1527 [“... a review of cases considering the application of the independent judgment test and the definition of fundamental vested rights demonstrates that the rights affected by the city's refusal to renew Goat Hill Tavern's permit are sufficiently vested and important to preclude



their extinction by a nonjudicial body.”].) Appellant has the right to complete construction of Building K-4 via fundamental vested rights in prior land use approvals.

The Town’s attempts to characterize the 2016 Development Permit as expired is thus both unsupported by the Development Code and unlawful in light of Appellant’s vested rights.

## **B. There is No Rational Basis to Require Demolition**

The NOV purports to require Appellant to demolish the 2023 construction in its entirety, only to rebuild it in exactly the same manner under a new permit. This remedy is unlawful because it would result in excessive waste and is not supported by any permissible government objective.

### **i. There Are No Safety Issues with Existing Construction**

When government action is not rationally related to the goals sought to be achieved, it violates substantive due process and equal protection under the law. (See, e.g., *Roman Cath. etc. Corp. v. City of Piedmont* (1955) 45 Cal.2d 325, 331; see also *Lingle v. Chevron U.S.A. Inc.* (2005) 544 U.S. 528, 542 [Supreme Court holding “a challenge to land use regulation may state a substantive due process claim, so long as the regulation serves no legitimate governmental purpose.”].)

As evidenced by the reports and information provided by Appellant and its two engineers, the existing structure presents no safety hazards. In contrast, dismantling the steel structure increases the potential safety hazards, including use of a large crane and disassembling massive steel beams. The structure has been built according to approved plans and is a prefabricated product that has been fully inspected and certified by qualified engineers. The structure is not at a place that the Town would have inspected it yet under other circumstances, as all inspections for the foundation and structural steel are done by a private Special Inspector. Given the lack of safety concerns, there is no basis for the Town to require dismantling of the structure and foundation. The fact safety hazards will be created with the Town’s directive and that this remedy is unprecedented in relation to prior Town practice highlights that this remedy is not reasonable or rationally related to any governmental purpose.

### **ii. Removing the Building Would Result in Improper, Excessive Waste**

State law and CSLB regulations provide that before an order of correction may be included in a citation, due consideration must be given to the practical feasibility of correction in accordance with certain criteria. (Cal. Code Regs., tit. 16, § 880.) The first of these criteria is that “[a]n order of correction is appropriate **where it would not result in excessive destruction of or substantial waste of existing acceptable construction.**” (*Id.* at subd. (a), emphasis added.) CSLB’s regulations derive from California Business and Professions Code sections 7099 and 7099.1 which state that, in lieu of an order of correction, the CSLB can impose a penalty. (Bus. & Prof. Code, § 7099.)

The Town advised Appellant that it contacted the CSLB to initiate a complaint and request state action. The Town then issued an NOV that squarely violates CSLB regulations. Requiring Appellant to remove the 2023 construction will result in excessive destruction of acceptable construction and accomplish nothing other than waste time, money, and send a significant amount of good construction materials, including concrete and steel, into the landfill. The process will create further waste by requiring Appellant to replace the construction with exactly the same materials. California law does not condone this type of excessive and unnecessary waste and neither should the Town.

### **C. The Town's Unreasonable Delay is Unlawful**

In addition to the NOV being unlawful and unfounded, staff's demand that Appellant seek a new land use permit for Building K-4 when one is not required and staff's subsequent unreasonable delay in processing Appellant's request for a new development permit violated Appellant's Due Process rights and constituted a temporary takings for which compensation is due.

#### **i. The Delay Violated Appellant's Due Process Rights**

The state and federal due process clause prohibit "government from depriving a person of property without due process of law." (Cal. Const., art. I, §§ 7, 15; U.S. Const., 14th Amend., § 1.) These provisions guarantee appropriate procedural protections and place substantive limitations on legislative measures. A procedural due process claim occurs when there is a deprivation of a constitutionally protected interest and a denial of adequate procedural protections. (*Brewster v. Bd. of Educ. of Lynwood U. School Dist.* (9th Cir. 1998) 149 F.3d 971, 982; *Wright v. Riveland* (9th Cir. 2000) 219 F.3d 905, 913.) Procedural process "always requires a relatively level playing field, the 'constitutional floor' of a 'fair trial in a fair tribunal,' in other words, a fair hearing before a neutral or unbiased decision-maker." (*Shaw v. County of Santa Cruz* (2008) 170 Cal. App. 4th 229, 265-266.) A substantive due process violation occurs in the context of land use regulation when the government's delay in processing a property-related application "lacked a rational relationship to a government interest." (*Id.* at 266-267, quoting *N. Pacifica LLC v. City of Pacifica* (2008) 526 F.3d 478, 484.).)

There are two Due Process Clause violations present with the Town's processing of Appellant's development permit application and issuance of the NOV: (1) procedural due process clause violations due to Town staff requiring Appellant to obtain a new land use permit for Building K-4 when none was required and in depriving Appellant of use of his property and due process during the 10-month delay between Appellant's submission of application materials to the Building Department and the Town's issuance of this NOV without any procedural protections or rights; and (2) a substantive due process clause violation due to Town staff issuing an NOV after its excessive delay that lacks a rational relationship to a government interest.

ii. The Delay Constitutes a Temporary Takings and Just Compensation is Required

In addition, to Due Process Clause violations, the Town's demand that Appellant obtain a new land use permit and unreasonable delay in issuing the new permit constitute a temporary taking.

In *Ali v. City of Los Angeles*, the court held that unreasonable delay in issuing a demolition permit and the eventual denial of the permit was a temporary takings. (*Ali v. City of L.A.* (1999) 77 Cal.App.4th 246, 254-255.) The Court found that the City's attempt to enforce its ordinance in violation of state law and delay in issuing a permit was "so unreasonable from a legal standpoint as to be arbitrary, not in furtherance of any legitimate governmental objective, and for no purpose other than to delay any development..." (*Id.* at 255.) The Court held the delay was a temporary regulatory taking requiring compensation. (*Ibid.*)

Similarly here, the Town has engaged in an abnormal delay in the development process that has temporarily deprived Appellant of all use of his property. Appellant has not been able to continue construction of Building K-4 and stands to lose two full years of construction due to the Town's delay. Staff initially failed to process Appellant's application in time for the following two planning commission meetings and, since October 2023, has engaged in conduct that is unreasonable in light of the facts of the record. Staff could have taken several reasonable steps to resolve this matter, including issuing a new development permit, an after the fact permit, and/or a citation. Instead, the Town delayed the process for almost a year without basis, contacted the CSLB, and now purports to require demolition of a structure with no safety issues which will create excessive waste.

Like *Ali*, the Town's delay here has resulted in unreasonable delay that is not in furtherance of any legitimate governmental interests and is for no purposes other than to delay development. Should this matter not be resolved, Appellant reserves all rights to pursue legal claims and due compensation against the Town.

**D. The NOV Did Not Include Requisite Information and is Invalid**

Development Code section 18.200.050(B) requires that notice to responsible parties of any Code violation include certain specified information, including a statement that a person having any interest or record title in property may request an administrative hearing of the notice and order within 10 days, a statement that the property owner may request and be provided with a meeting with the Code Enforcement Director to discuss possible methods and time limits or correction of the violations, and a statement that the Code Enforcement Director's determination is appealable to the Town Council. (Development Code, § 18.200.050(B).)

The NOV failed to include the above required items, including information on how Appellant could appeal the decision. This lack of notice of procedural rights is a further violation of Appellant's due process rights.

**VI. A signed verification of the truth of all stated matters.**

Appellant's signed verification is attached to this letter as **Attachment A**.

Based on the foregoing, Appellant respectfully request that the Town Council direct staff to withdraw the NOV and to permit development to continue with Building K-4 without further delay. If the Town Council determines a new development permit is needed, Appellant requests that the matter be scheduled for Planning Commission action as soon as possible.

Very truly yours,



Kristen T. Castaños

Enclosures:

- Exhibit 1: May 1, 2024 Notice of Violation
- Exhibit 2: 2016 Town of Truckee Application
- Exhibit 3: Resolution 2016-13
- Exhibit 4: Resolution 2017-16
- Exhibit 5: Resolution 2019-10
- Exhibit 6: July 10, 2023 Email from Laura Dabe to Ciro Mancuso
- Exhibit 7: July 27, 2023 Letter from Ciro Mancuso
- Exhibit 8: July 28, 2023 Letter from Maple Brook Engineering
- Exhibit 9: August 1, 2023 Email from Denyelle Nisimori
- Exhibit 10: September 5, 2023 Letter from Laura Dabe to Ciro Mancuso
- Exhibit 11: September 21-25 2023 Emails between Ciro Mancuso and Town
- Exhibit 12: October 17, 2023 Agenda Packet for Planning Commission Meeting
- Exhibit 13: October 17, 2023 Planning Commission Minutes
- Exhibit 14: February 12, 2024 Letter to Town from Ciro Mancuso
- Exhibit 15: February 28, 2024 Letter from Kristen Castanos to Andy Morris
- Exhibit 16: February 28, 2024 Email from Jen Callaway to Kristen Castanos
- Exhibit 17: March 20, 2024 Structural Report
- Exhibit 18: April 2024 Emails from Brandon Helms to Mike Ross

# ATTACHMENT A

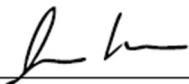
VERIFICATION

I, Ciro Mancuso, declare:

I am the President of Hidden Lake Properties, Inc., Appellant in the above-entitled appeal to the Truckee Town Council, and I am authorized to make this verification on its behalf.

I have read the May 10, 2024 Appeal of Notice of Violation: Pioneer Commerce Center Building K-4; APN 019-700-025 (10730 Pioneer Trail) and know the contents thereof. The same is true of my knowledge, except as to those matters which are therein stated on information and belief and, as to those matters, I believe them to be true.

Executed at Truckee, California on May 10, 2024.

  
\_\_\_\_\_  
Ciro Mancuso

# EXHIBIT 1

Town Council

David Polivy, Mayor

Jan Zabriskie, Vice Mayor

Anna Klovstad, Council Member  
Courtney Henderson, Council Member  
Lindsay Romack, Council Member



Department Heads

Jen Callaway, Town Manager  
Andy Morris, Town Attorney  
Danny Renfrow, Chief of Police  
Daniel Wilkins, Public Works Director/Town Engineer  
Denyelle Nishimori, Community Development Director  
Nicole Casey, Administrative Services Director  
Kelly Carpenter, Town Clerk  
Hilary Hobbs, Assistant to the Town Manager

## 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](mailto:dnishimori@townoftruckee.com).

Sincerely,



Denyelle N. Nishimori  
Community Development Director

# EXHIBIT 2



## ENVIRONMENTAL APPLICATION

The project applicant must complete this application. The Town may review the proposed project pursuant to the California Environmental Quality Act (CEQA). Please attach and reference additional information if necessary to adequately complete the application. If you have any questions, please contact the Planning Division.

Project Title/Name: Pioneer Commerce Center Phase 2 Development Revision

Applicant Name: Hidden Lake Properties

Contact Person: Ciro Mancuso

Address: 11050 Pioneer Trail Suite 100, Truckee CA 96160

Phone: 530-587-2167 Fax: \_\_\_\_\_ E-Mail: ciro.m@me.com

Project Location: 10900 Pioneer Trail, Truckee CA

Assessor's Parcel Number: 19-700-15, -16, -17, -20

Project Description: Change number/size of buildings on 19-700-15, reduce size of bldgs on 19-700-16 and 17, change schedule for construction on parcels 19-700-15, -16, -17, -20.

### ENVIRONMENTAL SETTING

1. Site characteristics (size, slope, shape, development constraints):  
The project area (APN's 19-700-16, -17, -18, -19, and -20) measures approximately 8.5 acres, and is generally flat (mostly less than 5%).
2. Existing site zoning district and general plan land use designation:  
The project area is in zone M, Manufacturing/Industrial.
3. Precisely describe the existing use and condition of the site:  
The use permit for the project area was approved under Planning Commission Resolution 2005-1, -2, -3, and -4. Only buildings K2, J, I, and a garage have been constructed.
4. Describe the existing general plan designation, zoning district, and existing uses of adjacent parcels:

<u>Parcel</u>	<u>General Plan Land Use</u>	<u>Zoning District</u>	<u>Existing Use</u>
North	<u>Mnufact./Indust.</u>	<u>M</u>	<u>Industrial</u>
East	<u>Industrial/Commercial</u>	<u>CS</u>	<u>Industrial (SW Gas)</u>
South	<u>Mnufact./Indust.</u>	<u>M</u>	<u>Industrial</u>
West	<u>Mnufact./Indust.</u>	<u>M</u>	<u>Industrial</u>

5. Describe the plant cover found on the site, including the number and types of all trees:  
The street frontage side of the project area is landscaped.  
4-native pine trees are on the parcel (2-24", 1-28", 1-34").  
There are no plantings on parcel 19-700-15.
6. Water Supply: Well Public Provider: Irrigation is supplied by  
private well, domestic by TDPUD.
- Sewage Disposal: Septic Public Provider: Sewage Disposal by TSD.
- Power/Electric Provider: TDPUD

**NOTE:** Explain any “YES” or “MAYBE” responses in attachments.

**NO**

**YES**

## MAYBE

- |     |   |                   |                   |                   |
|-----|---|-------------------|-------------------|-------------------|
| 7.  | Is the site on filled land or has slopes in excess of 10 percent?   | <u>          </u> | <u>          </u> | <u>          </u> |
| 8.  | Has the site been surveyed for historical, paleontological or archaeological resources? If yes, a copy of the survey report is to accompany this application. | <u>          </u> | <u>          </u> | <u>          </u> |
| 9.  | Does the site contain any unique natural, ecological or scenic resources?   | <u>          </u> | <u>          </u> | <u>          </u> |
| 10. | Do any drainage swales or channels border or cross the site?  | <u>          </u> | <u>          </u> | <u>          </u> |
| 11. | Has a traffic study been prepared? If yes, a copy of the study is to accompany this application.  | <u>          </u> | <u>          </u> | <u>          </u> |
| 12. | Is the site within or in close proximity to a 100-year flood plain?   | <u>          </u> | <u>          </u> | <u>          </u> |

## PROJECT DESCRIPTION

Please attach any supplemental information which will assist the planning staff in the review of the proposed project pursuant to CEQA requirements.

1. Residential projects: N/A
- A. Number, type and size of dwelling units proposed and associated square footage:
- 
- 
- B. Gross density of the proposed project (dwelling unit/acre):
- 
- 
- C. Will any multi-story units be located adjacent to a State highway or freeway?
-

2. Commercial, industrial and institutional projects:

A. Indicate specific type of use proposed:

APN 19-17-15: boat storage ("K" Buildings)

APN's 19-700-17, -16, -20: general manufacturing/industrial (H,L,M Buildings)

B. List the gross square footage by each type of use:

Warehouse and Storage: 40,756 sf ("K" buildings)

General Manufacturing/Industrial: 49,020 sf

C. List the square footage and number of floors of each building:

Bldg H: 2 stories, 24,270 sf; Bldg M: 1 story, 12,600 sf;

Bldg L: 1 story, 12,150 sf; Bldg K: stories N/A, 40,756 sf (total)

D. Estimate employment by shift:

unknown

E. Identify any planned outdoor uses:

none

3. What percentage of the project site will be covered by:

Paving 50 % Building 30 % Landscaping 20 %

4. Maximum height of the structure(s): See Arch. drawings

5. Describe the amount and type of off-street parking proposed:

Proposed parking has not changed from the 2005 approval.

6. Describe how drainage and on-site retention will be accommodated:

collection, retention of 20-year 1-hour storm on-site, discharge to existing storm water system on Pioneer Trail.

7. Identify any off-site construction required to support this project:

none

8. Preliminary grading plans estimate \_\_\_\_\_ cubic yards of cut and \_\_\_\_\_ cubic yards of fill.

9. Give the estimated dates for the following: Grading for site was completed with the 2005 project.

A. Rough Grading \_\_\_\_\_

B. Final Grading \_\_\_\_\_

C. Start Construction Building K-1 - 2016

D. Complete Construction Building M - 2026

E. Describe any Project Phasing: See site plan comparison and construction phasing plan for estimated dates of completion of each building.

10. List all other permits or public agency approvals required of this project:  
Town of Truckee Building Permits for each structure, all utilities previously installed to each building footprint.
11. Is this project part of a larger project previously reviewed by the Town of Truckee or County of Nevada?  
If yes, identify the review process and associated project title/project number.  
Planning Commission Resolution 2005-1, -2, -3, and -4

**NOTE:** Explain any "YES" or "MAYBE" responses in attachments.

	<u>NO</u>	<u>YES</u>	<u>MAYBE</u>
12. During construction, will the project:			
A. Emit dust, ash, smoke, fumes or odors?	<u>      </u>	<u>  X  </u>	<u>      </u>
B. Alter existing drainage patterns?	<u>  X  </u>	<u>      </u>	<u>      </u>
C. Create a substantial demand for energy or water?	<u>  X  </u>	<u>      </u>	<u>      </u>
D. Discharge water of poor quality?	<u>  X  </u>	<u>      </u>	<u>      </u>
E. Increase noise levels on site or for adjoining areas?	<u>      </u>	<u>  X  </u>	<u>      </u>
F. Generate abnormally large amounts of solid waste or litter?	<u>  X  </u>	<u>      </u>	<u>      </u>
G. Use, produce, store or dispose potentially hazardous materials such as toxic or radioactive substances, flammables or explosives?	<u>  X  </u>	<u>      </u>	<u>      </u>
H. Require unusually high demands for such services as Police, fire, sewer, schools, water, public recreation?	<u>  X  </u>	<u>      </u>	<u>      </u>
I. Displace any residential occupants?	<u>  X  </u>	<u>      </u>	<u>      </u>

---

---

### CERTIFICATION

I hereby certify that the information furnished above and in the attached exhibits is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Agent Signature

\_\_\_\_\_  
Date



Ms. Jenna Endres  
Town of Truckee Community Development Department  
10183 Truckee Airport Road  
Truckee, CA 96161

March 15, 2016

Re: Pioneer Commerce Center Phase II  
Development Permit Application with Phasing Plan  
*Nevada County APNs 19-700-16, -17, -18, -19 and -20*

Dear Jenna:

On behalf of Hidden Lake Properties, enclosed is the following information to support a Development Permit Application and Phasing Plan to allow construction of the remaining six buildings at Pioneer Commerce Center Phase II:

- Completed Land Use/Zoning Application Form
- Completed Environmental Application
- Check in the amount of \$6,500.00 for the Development Permit Application deposit
- Drawings:
  - Site Plans:
    - Comparison (permitted vs. proposed layout and phasing)
    - Existing Conditions
    - Preliminary Grading and Drainage Plan
    - Preliminary Utility Plan
  - Proposed Floor Plans and Elevations for Buildings "H", "K1", "K3/4", "L" and "M"
  - Permitted Landscape and Signage (no change proposed)

The Pioneer Commerce Center Phase II project was originally approved in 2001 and again in 2005 (Planning Commission Resolutions 2005-1, -2, -3 and -4). The 2005 approval allowed the construction of eleven buildings and related site improvements; due to the economic uncertainty of 2007-2010 and limited demand by potential tenants, Hidden Lake Properties constructed four of the buildings prior to expiration of the Development Permit.

This Development Permit Application proposes to allow completion of Phase II of the Pioneer Commerce Center over a 10-year period. This timing, as compared to the typical four-year limit, is necessary to allow construction of the remaining buildings in response to market demand for boat storage ("K" buildings) and general manufacturing/industrial floor space ("H", "L" and "M") rather than speculation. A 10-year timeframe eliminates the very likely requirement to make yet another application to the Town and the resulting use of Staff and Planning Commission time to review a twice approved project that does not propose any changes.

ph 530.550.8068  
fax 530.550.8069  
e-mail: bquesnel@ltol.com

Post Office Box 3497  
Truckee, CA 96160



As shown on Sheet C-1, the total number of buildings has been reduced from eleven to ten by eliminating "K5". Modest changes are proposed to five of the six remaining buildings as compared to the 2005 approval:

- Buildings "K1" and "K4" has been increased in size but there is a net reduction of 184 square feet in the total amount of floor area in the "K" complex;
- Building "L" has been reduced in length by 20-feet resulting in a 900 square foot floor area reduction; and
- Building "M" has been reduced in length by 20-feet resulting in a 900 square foot floor area reduction

The site plan remains consistent with the 2005 approval, there is:

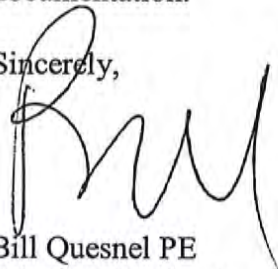
- no change to the amount of impervious coverage;
- no change to the number of parking stalls or width of access roads;
- no change to storm drain system;
- no change to the utility systems serving the buildings although a 10-foot wide sanitary sewer easement will be dedicated to the Truckee Sanitary District;
- no change to solid waste handling and the number of dumpster enclosures; and
- no change to the landscaping, lighting or building signage programs

Please consider the following information as justification for the approval of this project:

- This application is made solely to allow the completion of the Pioneer Commerce Center Phase II project as it was originally approved in 2005.
- No changes are proposed in the approved mix of land uses and there is a slight reduction in the total floor area.
- No changes are proposed to the site configuration and all infrastructure improvements are in accordance with the previous approval with respect to parking, snow storage, open space, stormwater treatment/retention and landscaping.

Thank you for your consideration of this application, please do not hesitate to contact me if you have any questions concerning the proposed improvements or the supporting documentation.

Sincerely,



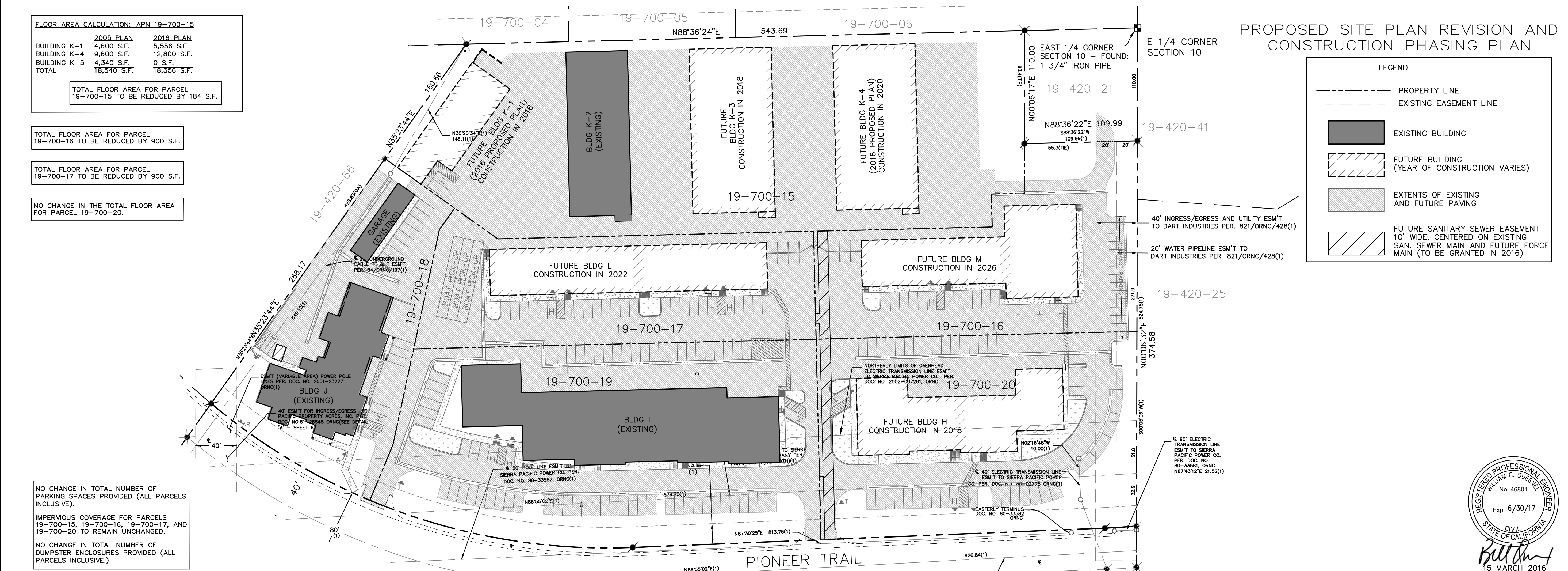
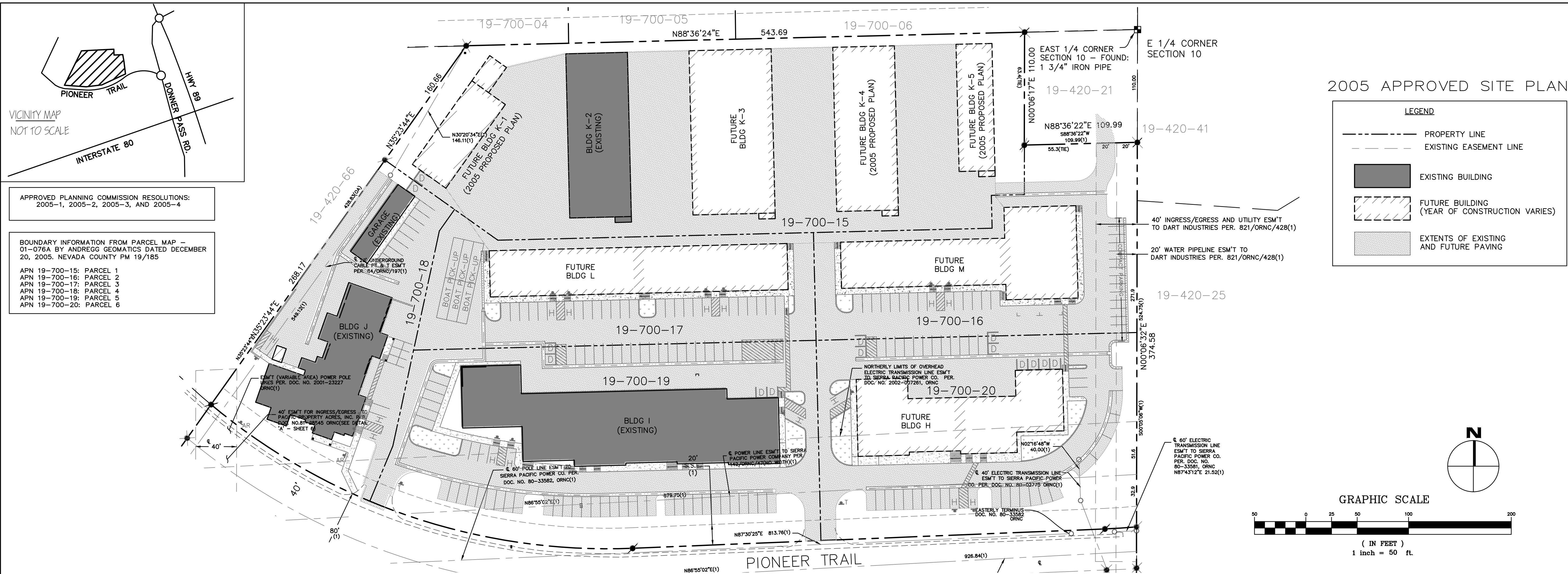
Bill Quesnel PE  
Principal Engineer

Cc Hidden Lake Properties  
enclosures

ph 530.550.8068  
fax 530.550.8069  
e-mail: bquesnel@ltol.com

Post Office Box 3497  
Truckee, CA 96160





**ACUMEN ENGINEERING COMPANY**

ph 530.550.8068  
fax 530.550.8069

Post Office Box 3497  
Truckee, CA 96160

**PIONEER COMMERCE CENTER PHASE II  
DEVELOPMENT REVISION**

10900 PIONEER TRAIL, TRUCKEE, CALIFORNIA  
APN's 19-700-15, -16, -17, AND -20

CLIENT NAME:  
HIDDEN LAKE PROPERTIES INC.  
11050 PIONEER TRAIL, SUITE 100  
TRUCKEE, CA 96161  
(530)587-2167

FILE: PCCII Dev. Rev.dwg  
SCALE: 1" = 50'  
DATE: 15 MARCH 2016  
REVISIONS:

DESCRIPTION:  
SITE PLAN  
COMPARISON  
AND CONSTRUCTION  
PHASING PLAN

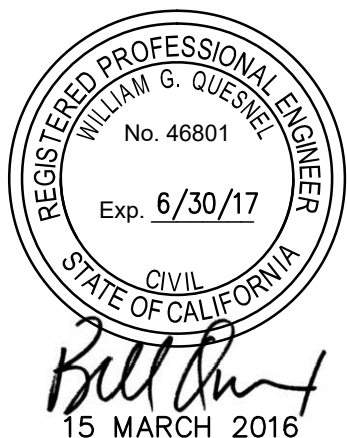
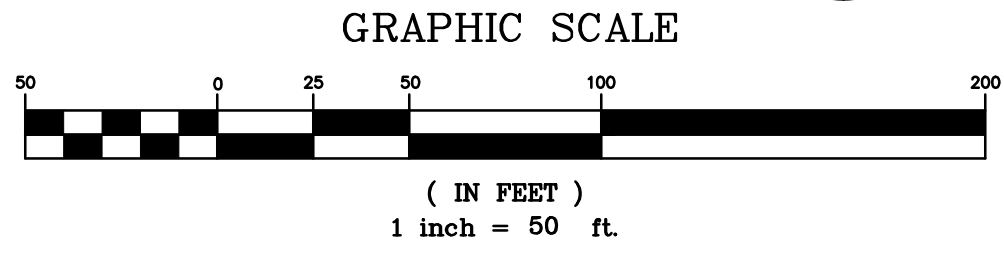
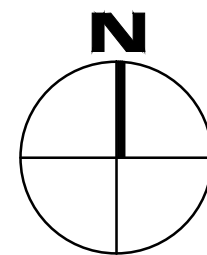
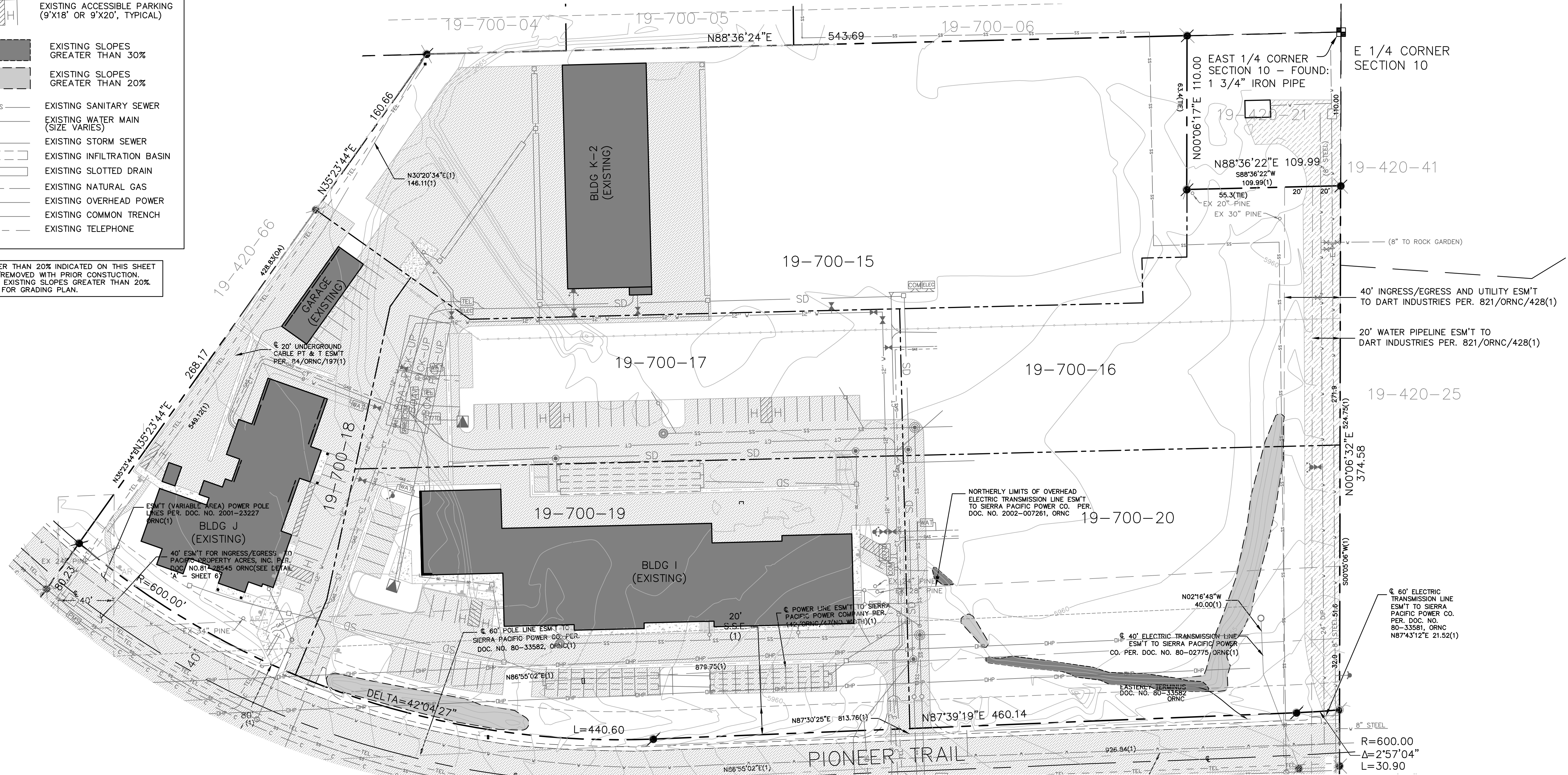
SHEET:  
**C1**  
OF 4 SHEETS



LEGEND

- PROPERTY LINE
- EASEMENT LINE
- EXISTING CONTOUR (1' INTERVALS)
- EXISTING BUILDING
- EXTENTS OF EXISTING ASPHALT PAVING
- EXISTING ACCESSIBLE PARKING (9'X18' OR 9'X20', TYPICAL)
- EXISTING SLOPES GREATER THAN 30%
- EXISTING SLOPES GREATER THAN 20%
- EXISTING SANITARY SEWER
- EXISTING WATER MAIN (SIZE VARIES)
- EXISTING STORM SEWER
- EXISTING INFILTRATION BASIN
- EXISTING SLOTTED DRAIN
- EXISTING NATURAL GAS
- EXISTING OVERHEAD POWER
- EXISTING COMMON TRENCH
- EXISTING TELEPHONE

SLOPES GREATER THAN 20% INDICATED ON THIS SHEET WERE GRADED/REMOVED WITH PRIOR CONSTRUCTION. NO NATURALLY EXISTING SLOPES GREATER THAN 20%. SEE SHEET C3 FOR GRADING PLAN.



ACUMEN  
ENGINEERING  
C O M P A N Y

ph 530.550.8068  
fax 530.550.8069

Post Office Box 3497  
Truckee, CA 96160

PIONEER COMMERCE CENTER PHASE II  
DEVELOPMENT REVISION

10900 PIONEER TRAIL, TRUCKEE, CALIFORNIA  
APN's 19-700-15, -16, -17, AND -20

CLIENT NAME:  
HIDDEN LAKE PROPERTIES INC.  
11050 PIONEER TRAIL, SUITE 100  
TRUCKEE, CA 96161  
(530)587-2167

FILE: PCCII Dev. Rev.dwg  
SCALE: 1" = 50'  
DATE: 15 MARCH 2016

REVISIONS:


DESCRIPTION:  
EXISTING  
CONDITIONS

SHEET:  
**C2**  
OF 4 SHEETS



PIONEER COMMERCE CENTER PHASE II  
DEVELOPMENT REVISION

10900 PIONEER TRAIL, TRUCKEE, CALIFORNIA  
APN's 19-700-15, -16, -17, AND -20

CLIENT NAME:  
HIDDEN LAKE PROPERTIES INC.  
11050 PIONEER TRAIL, SUITE 100  
TRUCKEE, CA 96161  
(530)587-2167

FILE: PCCII Dev. Rev.dwg

SCALE: 1" = 50'

DATE: 15 MARCH 2016

REVISIONS:

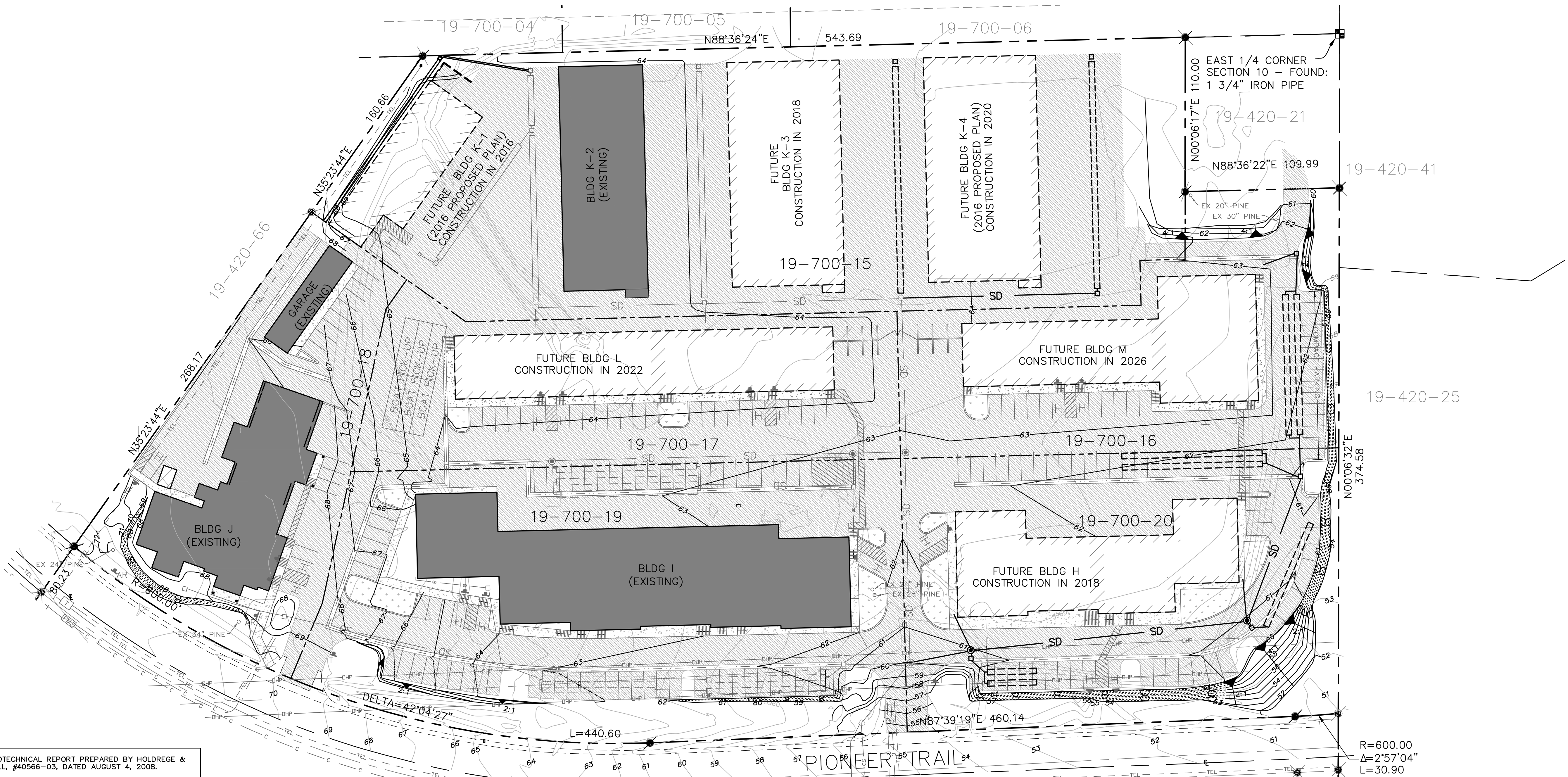
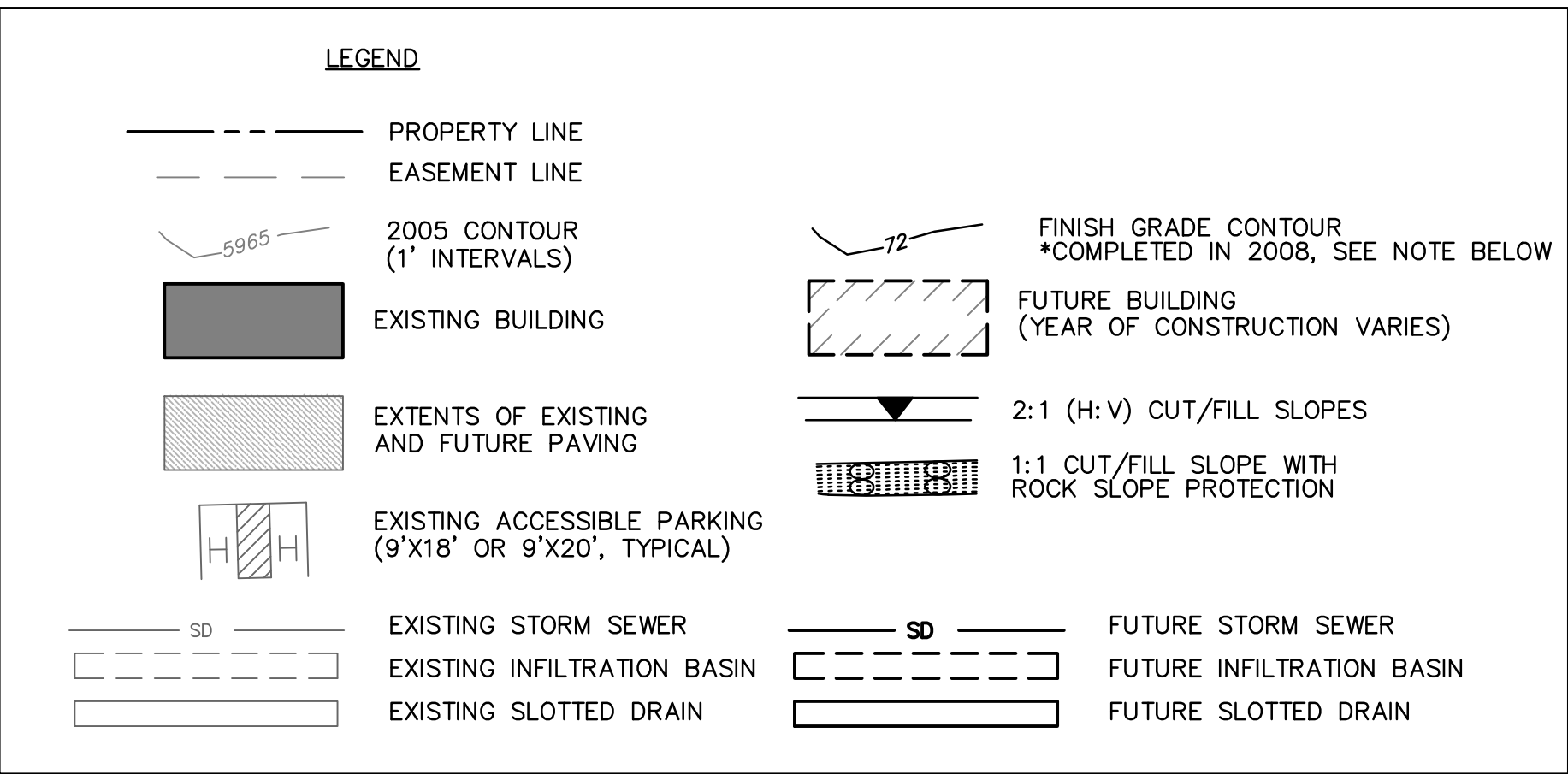
DESCRIPTION:

PRELIMINARY  
GRADING AND  
DRAINAGE PLAN

SHEET:

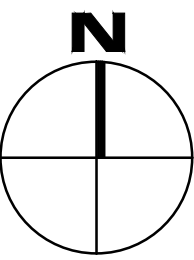
C3

OF 4 SHEETS



GEOTECHNICAL REPORT PREPARED BY HOLDREGE &  
KULL, #40566-03, DATED AUGUST 4, 2008.

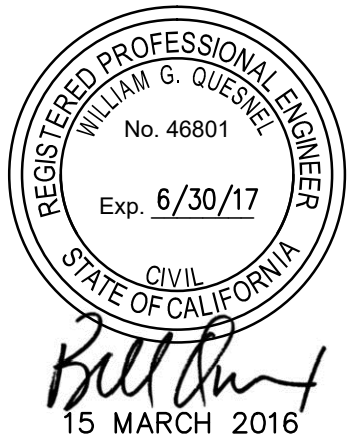
\*SITE LEVELED AND SLOPE GRADING PREVIOUSLY  
COMPLETED IN 2008 UNDER BUILDING PERMIT  
#808-23885.



GRAPHIC SCALE



( IN FEET )  
1 inch = 50 ft.





PIONEER COMMERCE CENTER PHASE II  
DEVELOPMENT REVISION

10900 PIONEER TRAIL, TRUCKEE, CALIFORNIA  
APN's 19-700-15, -16, -17, AND -20

CLIENT NAME:  
HIDDEN LAKE PROPERTIES INC.  
11050 PIONEER TRAIL, SUITE 100  
TRUCKEE, CA 96161  
(530)587-2167

FILE: PCCII Dev. Rev.dwg

SCALE: 1" = 50'

DATE: 15 MARCH 2016

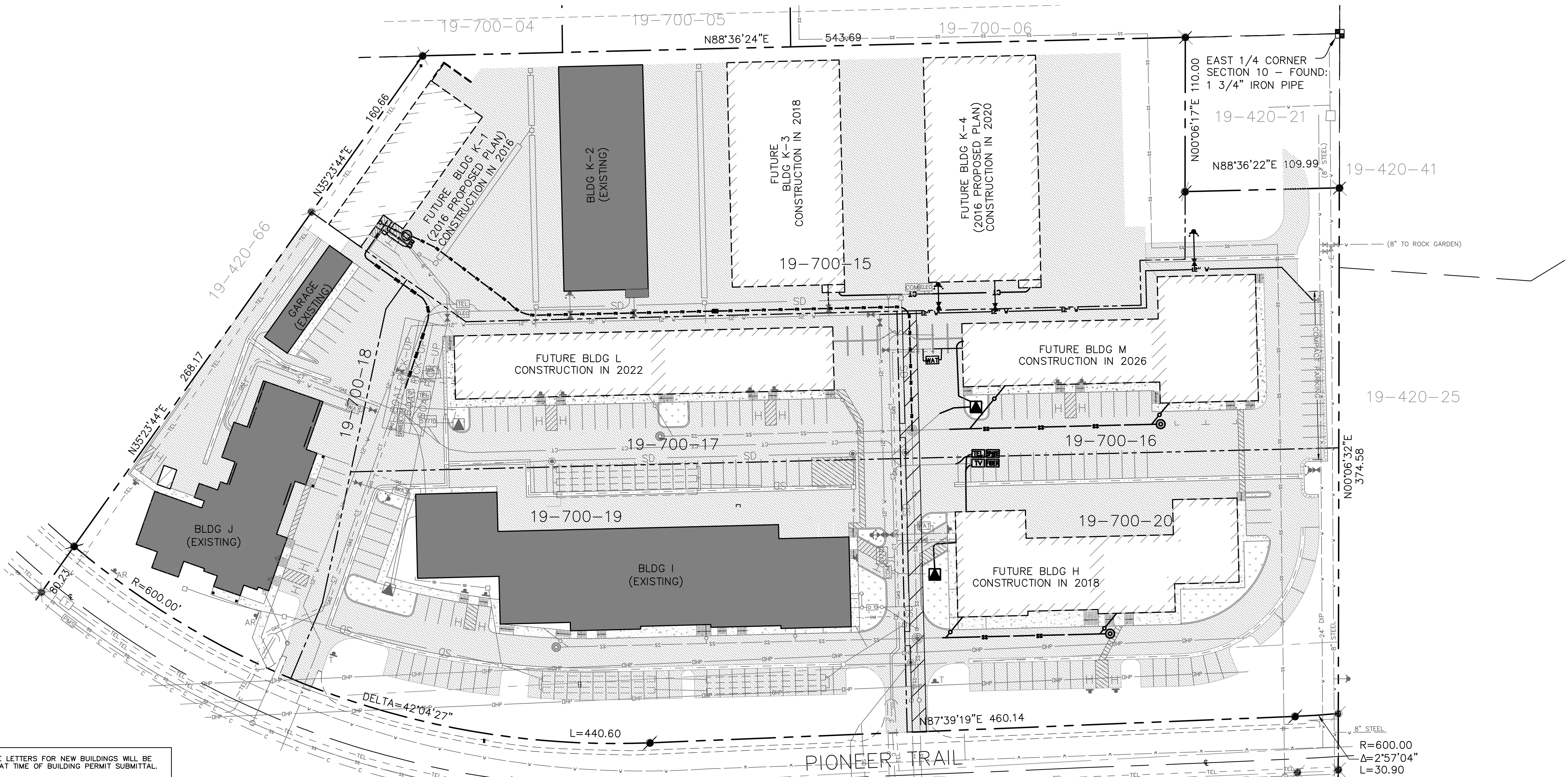
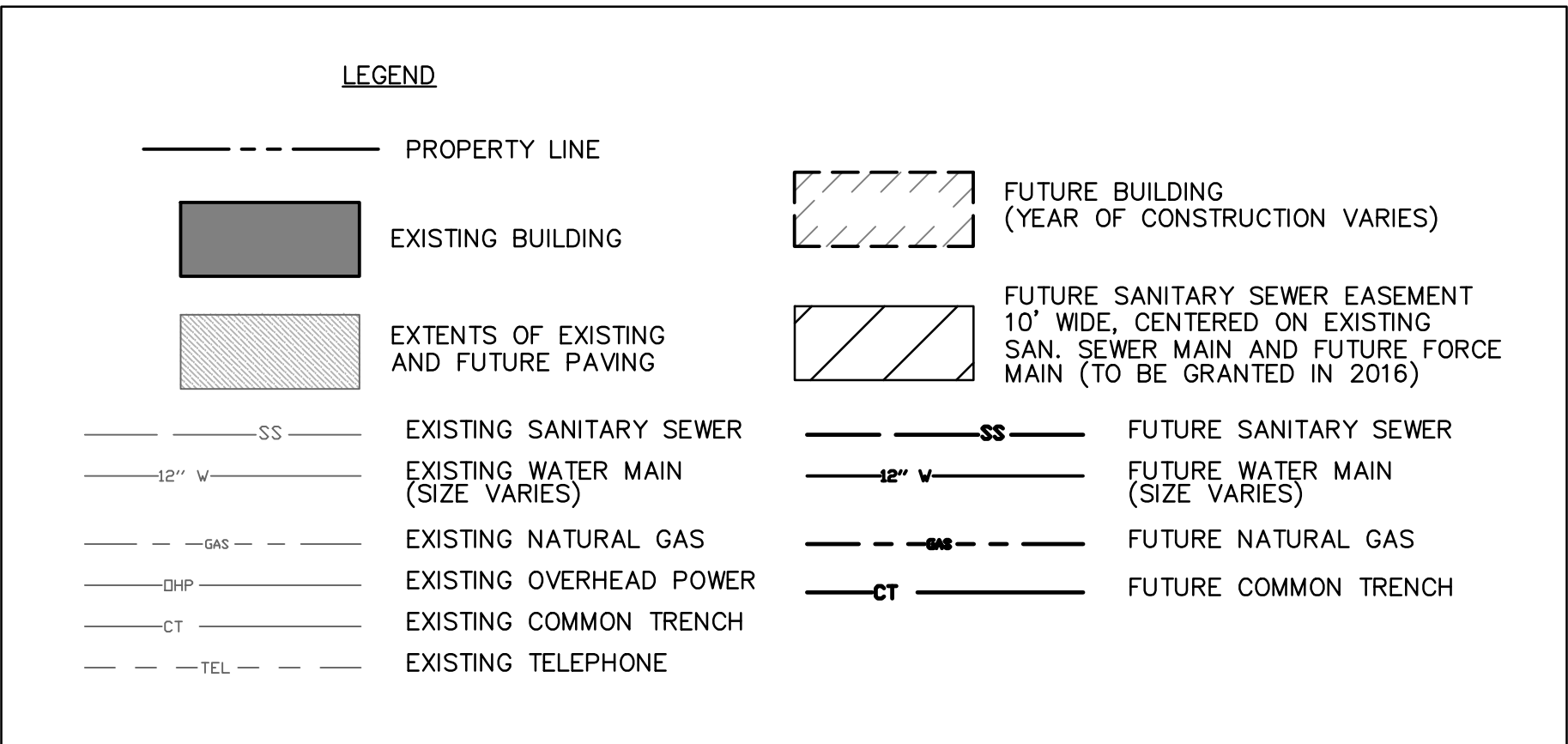
REVISIONS:

DESCRIPTION:  
PRELIMINARY  
UTILITY PLAN

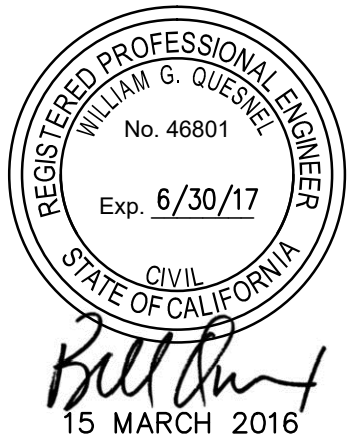
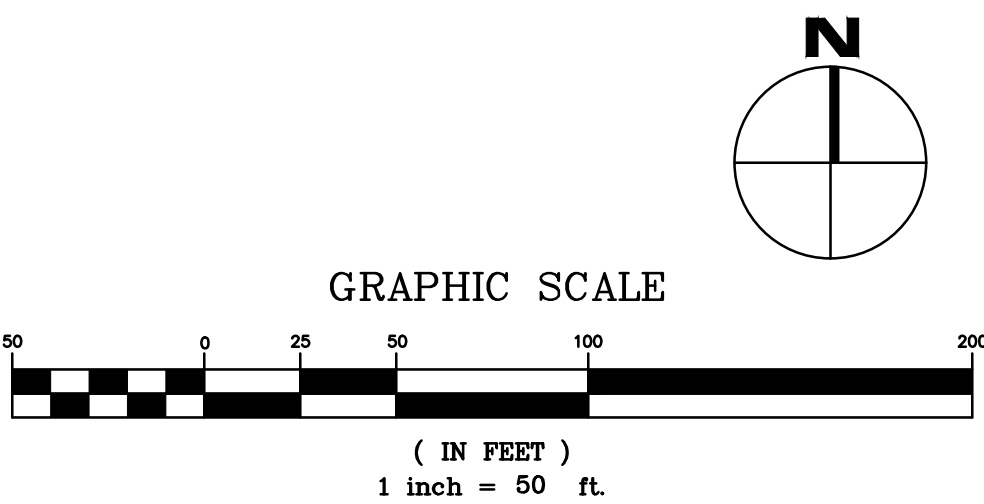
SHEET:

C4

OF 4 SHEETS



WILL SERVE LETTERS FOR NEW BUILDINGS WILL BE  
PROVIDED AT TIME OF BUILDING PERMIT SUBMITTAL.  
ALL DISTRIBUTION UTILITIES INSTALLED IN 2008.  
LATERALS TO BUILDINGS TO BE CONSTRUCTED AT  
TIME OF BUILDING CONSTRUCTION.



PROJECT:

**BUILDING K1**

PERMIT SET

Pioneer Commerce  
Center  
Truckee, CA  
APN:

REVISIONS:

NO.	DATE	REMARKS

PROJECT NO:

1501

ISSUE DATE:

November 2, 2015

DRAWING

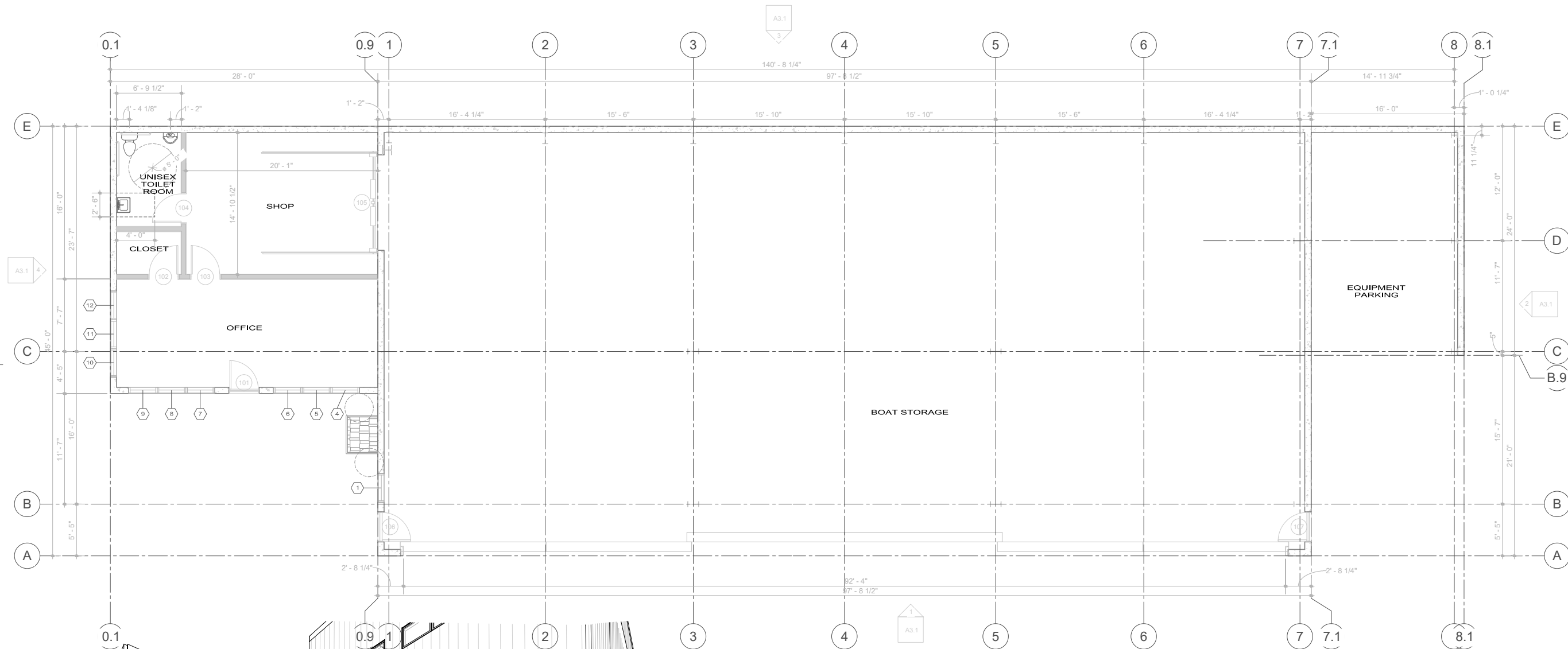
TITLE:

FLOOR PLAN

As indicated

DRAWING NO:

**A2.1**



**1 GROUND FLOOR**

3/16" = 1'-0"

## WINDOW SCHEDULE

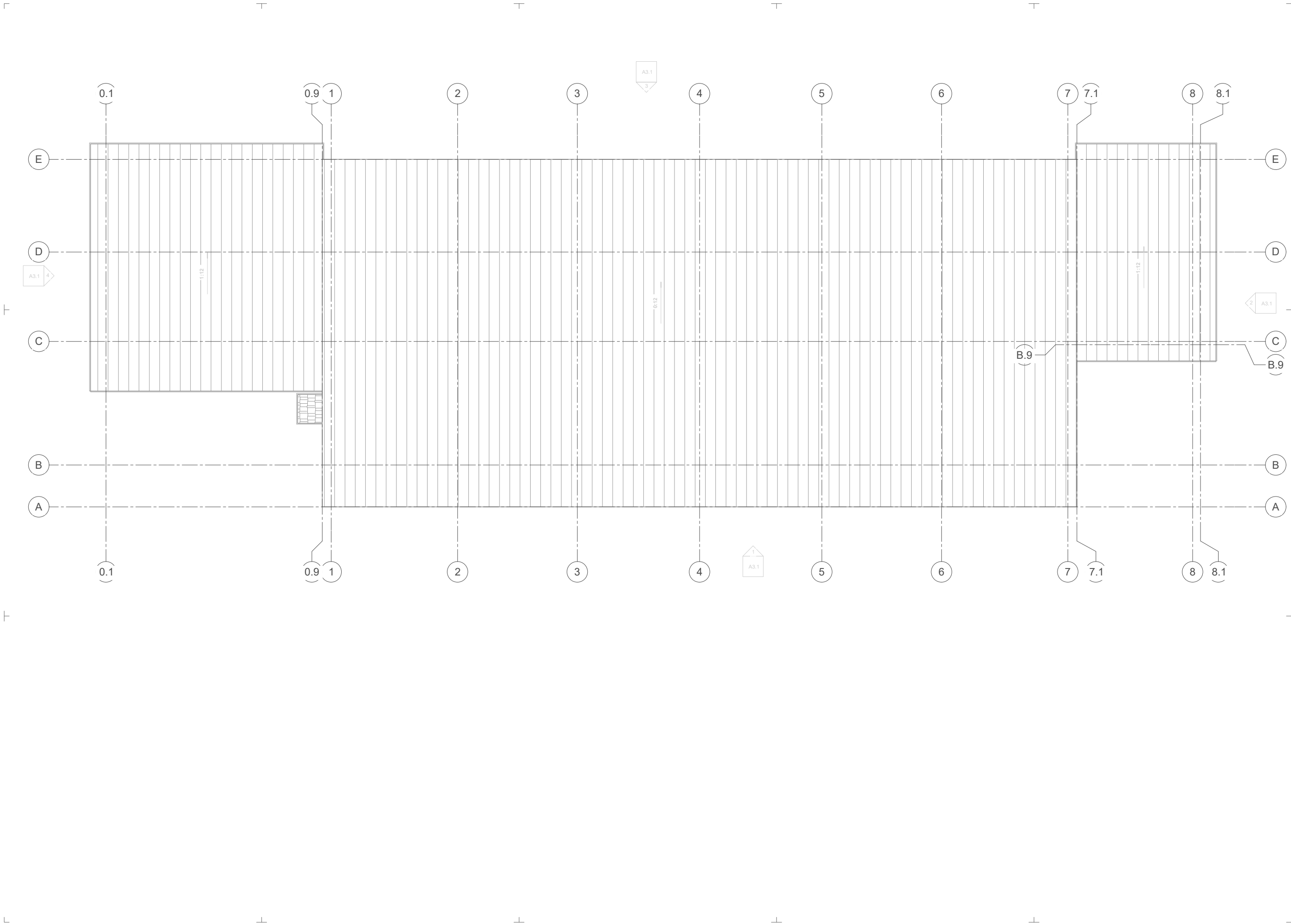
NUM	SIZE		UNT	UNIT	COMMENTS
	WIDTH	HEIGHT			
1	3'-0"	5'-0"			single hung
4	3'-0"	5'-0"			single hung
5	3'-0"	5'-0"			single hung
6	3'-0"	5'-0"			single hung
7	3'-0"	5'-0"			single hung
8	3'-0"	5'-0"			single hung
9	3'-0"	5'-0"			single hung
10	3'-0"	5'-0"			single hung
11	3'-0"	5'-0"			single hung
12	3'-0"	5'-0"			single hung
13	5'-0"	3'-0"			fixed glass
14	5'-0"	3'-0"			fixed glass
15	5'-0"	3'-0"			fixed glass
16	5'-0"	3'-0"			fixed glass
17	5'-0"	3'-0"			fixed glass
18	5'-0"	3'-0"			fixed glass
19	5'-0"	3'-0"			fixed glass
20	5'-0"	3'-0"			fixed glass
21	5'-0"	3'-0"			fixed glass
22	5'-0"	3'-0"			fixed glass
23	5'-0"	3'-0"			fixed glass
24	5'-0"	3'-0"			fixed glass

## SHEET NOTES

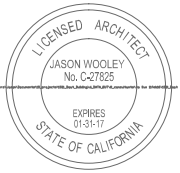
- THE PRIMARY ENTRY ACCESS HAS:
  - 32" MIN. CLEAR OPENING WHEN DOOR IS AT 90 DEGREES
  - NO MORE THAN 1/2" CHANGE IN FLOOR LEVEL AT THRESHOLD
  - GRASPABLE DOOR HARDWARE AT 36" A FINISH FLOOR
  - 5 LB OPERATING FORCE AT DOOR
  - STRIKE SIDE CLEARANCES AS SHOWN (AUTOMATIC OPENER TO BE INSTALLED DUE TO LESS THAN 12" CLEAR ON PUSH SIDE OF STRIKE)
  - AN ENTRANCE SIGN WITH THE INTERNATIONAL SYMBOL OF ACCESSIBILITY
- EXIT SIGN LOCATIONS:
  - ALL EXIT SIGNAGE IS REQUIRED TO BE ILLUMINATED AND HAVE TACTILE EXIT SIGNAGE
  - EACH GRADE-LEVEL EXTERIOR EXIT DOOR SHALL BE IDENTIFIED BY A TACTILE EXIT SIGN WITH THE WORD, "EXIT" ("EXIT ROUTE" WHEN ALONG EXIT ROUTE), MOUNTED 80" A.F.F. AT THE STRIKE SIDE OF EXIT DOOR
- "(E)" DESIGNATES EXISTING ITEM
- "(N)" DESIGNATES NEW ITEM TO BE INSTALLED

## DOOR SCHEDULE

SYM	SIZE	SIZE		ELEV	MATL		FINISH		COMMENTS
		WIDTH	HEIGHT		DOOR	FRAME	DOOR	FRAME	
101	3080	3'-0"	8'-0"		H.M.				
102	3'-0" X 7'-0"	3'-0"	7'-0"						
103	3'-0" X 7'-0"	3'-0"	7'-0"						
104	3'-0" X 7'-0"	3'-0"	7'-0"						
105	100/100 OH DOOR	10'-0"	10'-0"						
106	3080	3'-0"	8'-0"		H.M.				
107	3080	3'-0"	8'-0"		H.M.				



p. 530.550.7468  
c. 530.448.9883  
f. 530.579.9681  
p.o. box 8145  
truckee, ca 96162  
www.lotcarchitecture.com



PROJECT:  
**BUILDING K1**

PERMIT SET  
  
*Pioneer Commerce  
Center  
Truckee, CA  
APN:*

REVISIONS:		
NO.	DATE	REMARKS
1		

PROJECT NO:  
**1501**  
ISSUE DATE:  
*November 2, 2015*

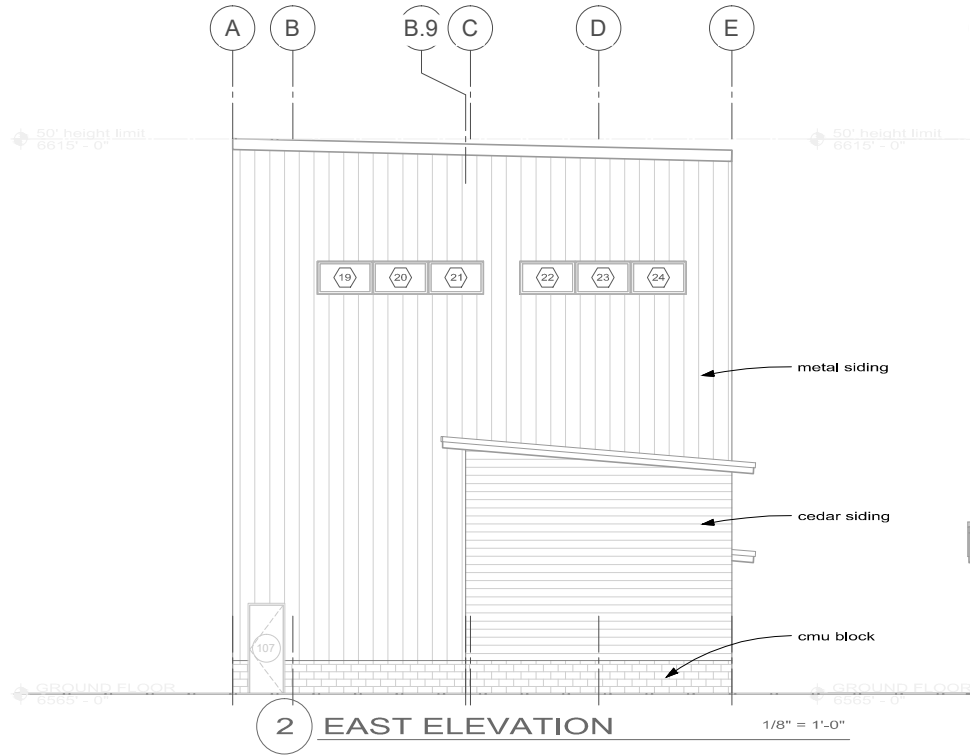
DRAWING  
TITLE:

**ROOF PLAN**  
**3/16" = 1'-0"**

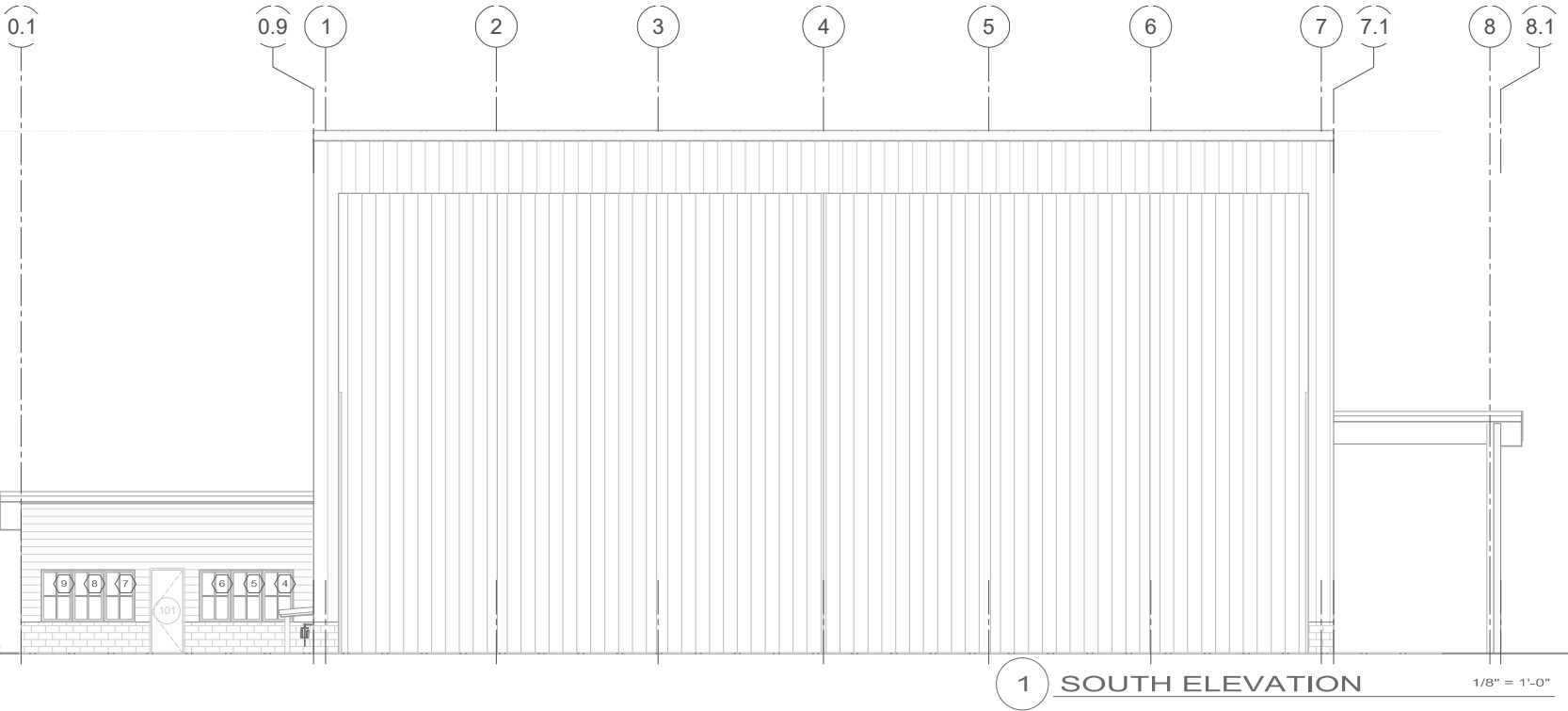
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**A2.3**

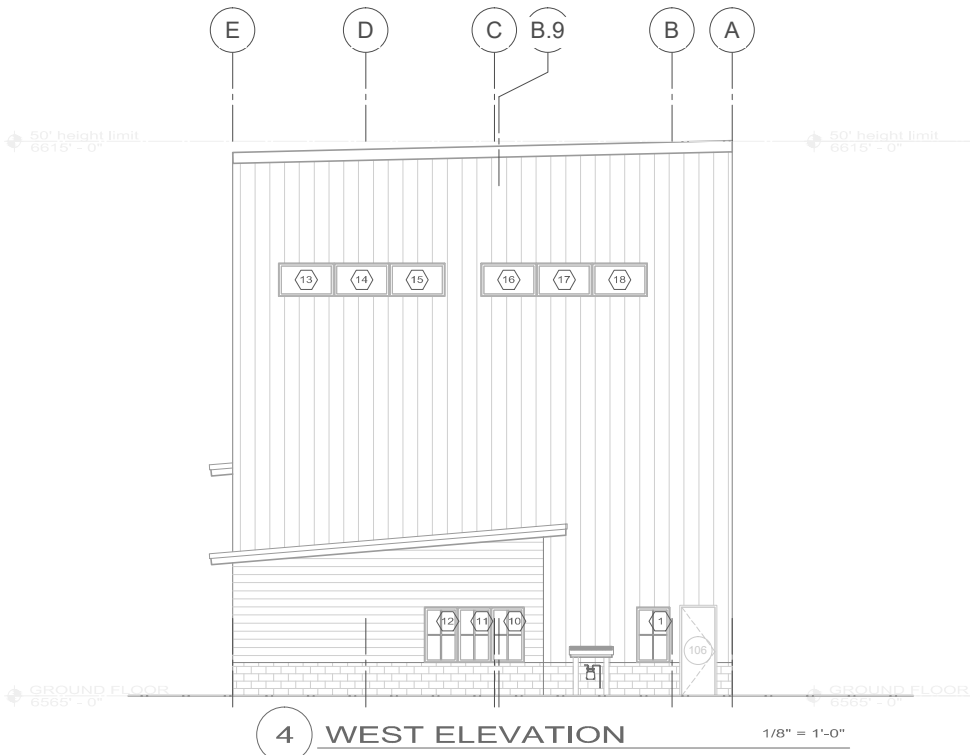




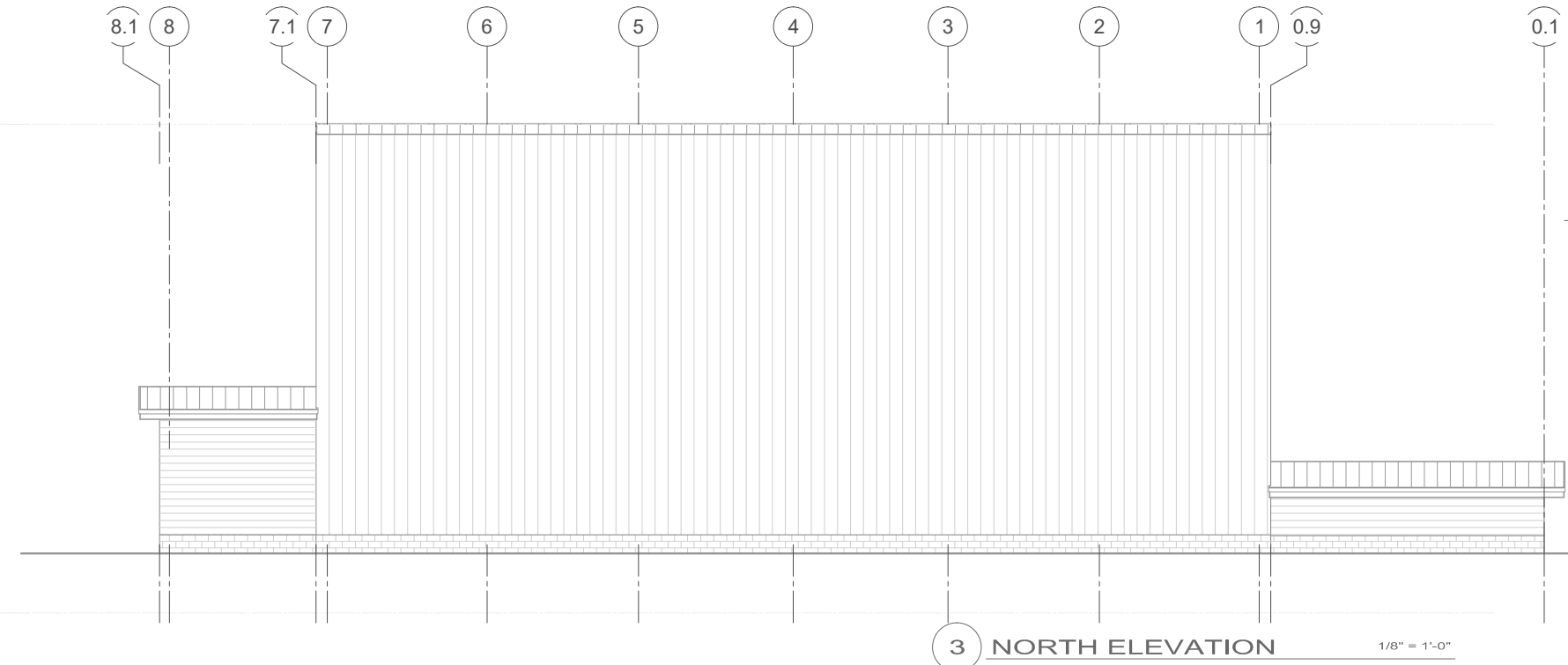
2 EAST ELEVATION



1 SOUTH ELEVATION



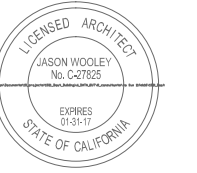
4 WEST ELEVATION



3 NORTH ELEVATION



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PROJECT:  
**BUILDING K1**

PERMIT SET

Pioneer Commerce  
Center  
Truckee, CA  
APN:

REVISIONS:		
NO.	DATE	REMARKS
1		

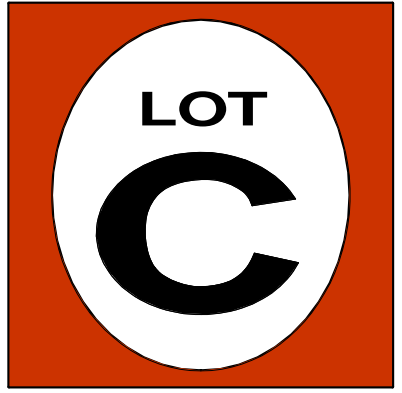
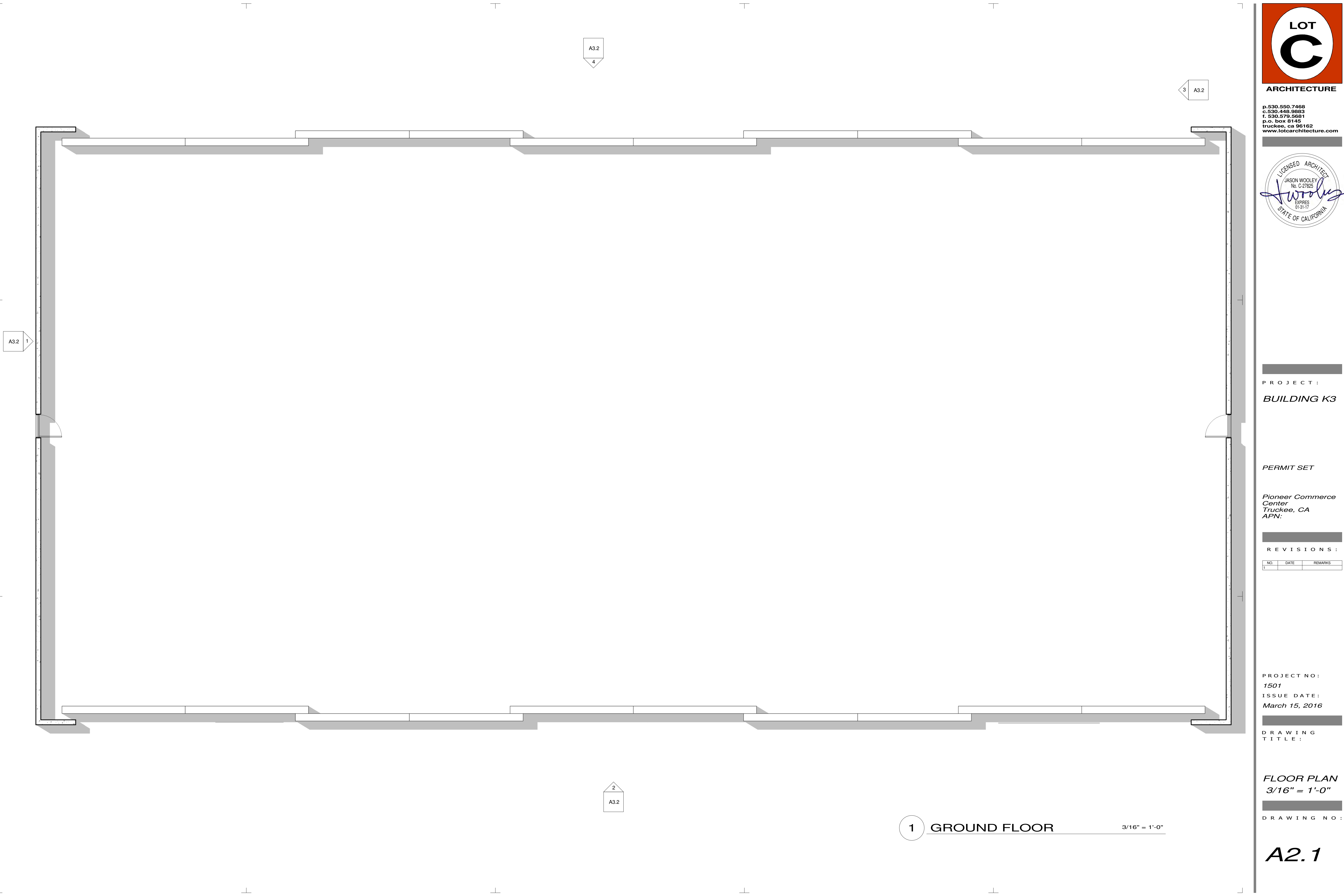
PROJECT NO:  
**1501**  
ISSUE DATE:  
**November 2, 2015**

DRAWING  
TITLE:

**ELEVATIONS**  
**1/8" = 1'-0"**

DRAWING NO:

**A3.1**



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PROJECT :  
**BUILDING K3**

PERMIT SET  
  
*Pioneer Commerce  
Center  
Truckee, CA  
APN:*

REVISIONS :		
NO.	DATE	REMARKS
1		

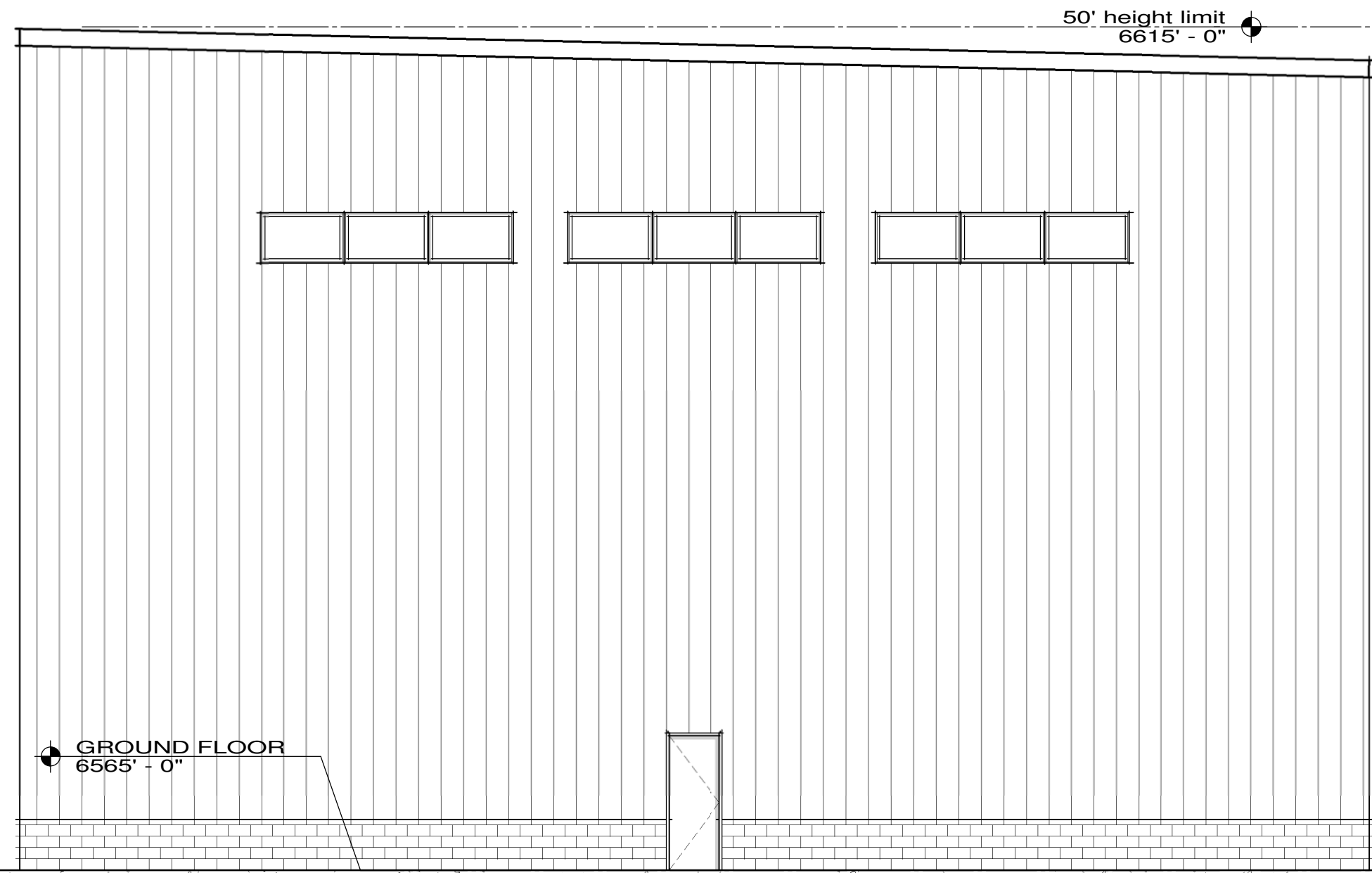
PROJECT NO :  
**1501**  
ISSUE DATE :  
**March 15, 2016**

DRAWING  
TITLE :

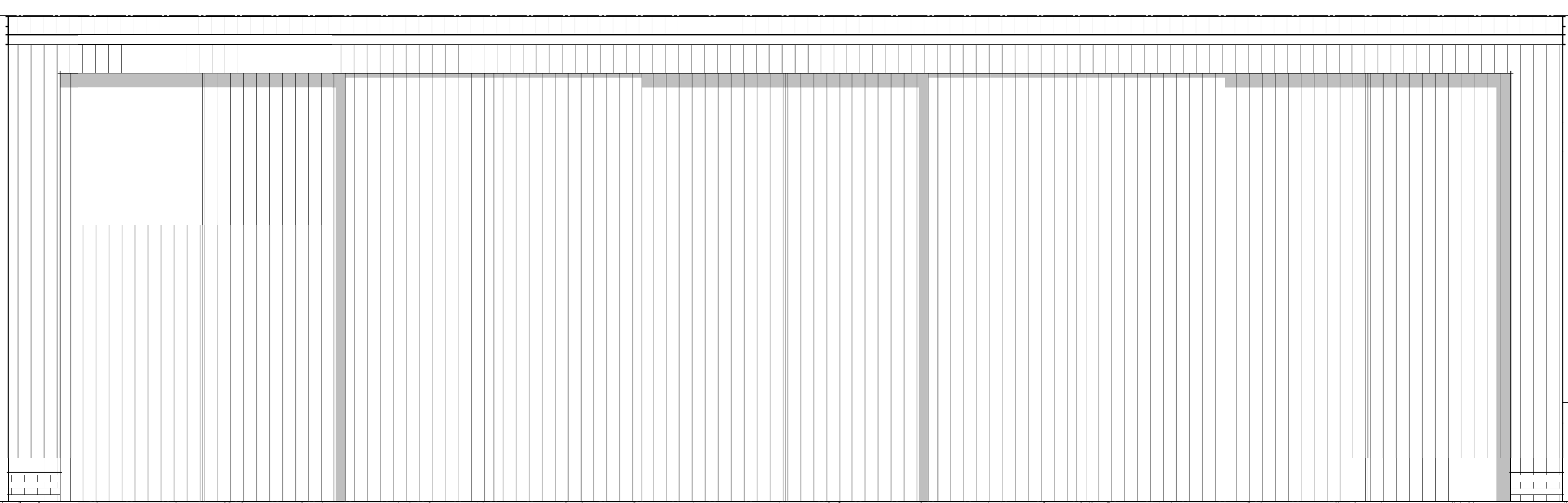
**FLOOR PLAN**  
**3/16" = 1'-0"**

DRAWING NO :

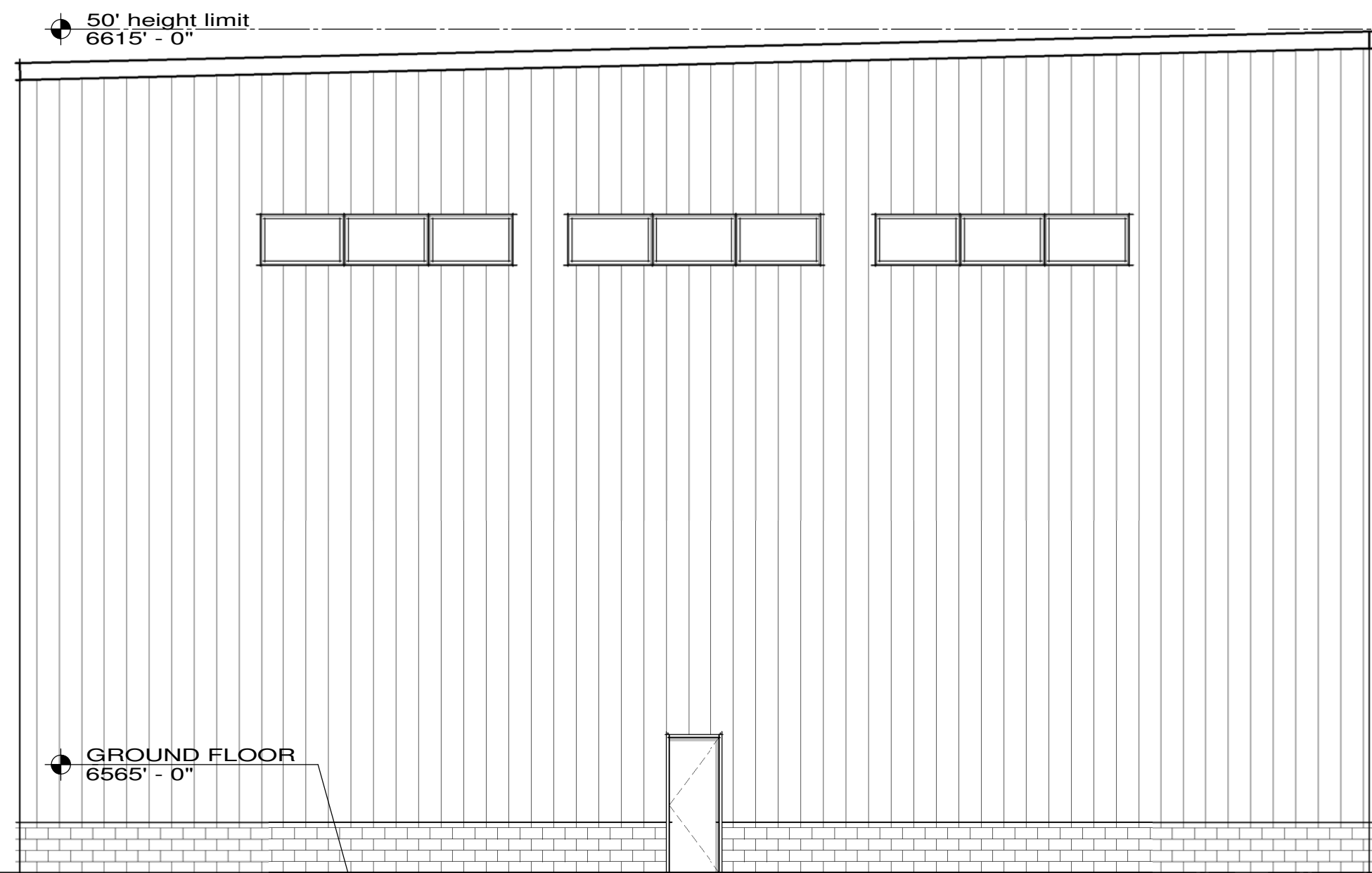
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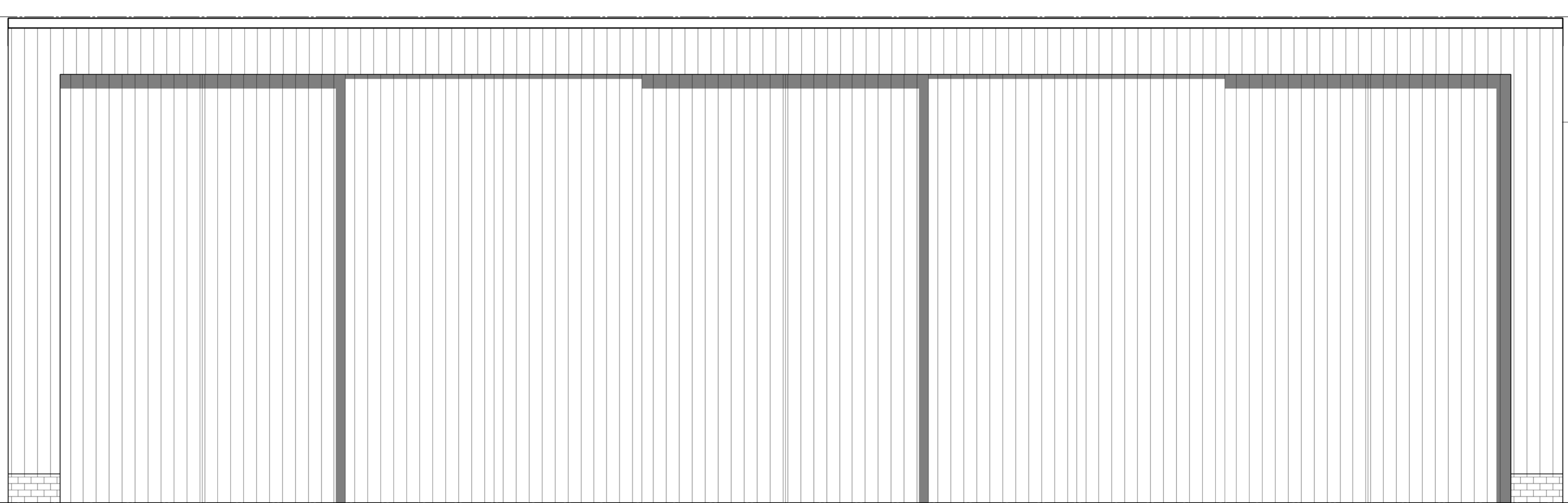
1 South Elevation K3 1/8" = 1'-0"



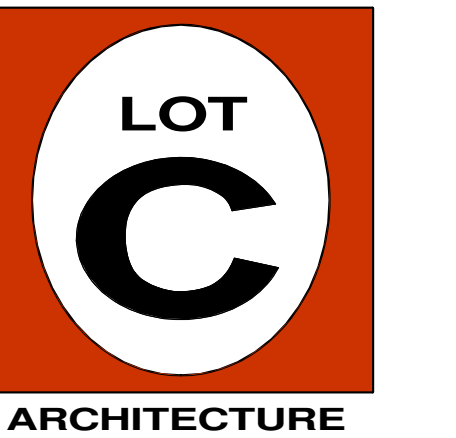
2 East Elevation K3 1/8" = 1'-0"



3 North Elevation K3 1/8" = 1'-0"



4 West Elevation K3 1/8" = 1'-0"



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PROJECT:  
**BUILDING K3**

PERMIT SET  
  
*Pioneer Commerce  
Center  
Truckee, CA  
APN:*

REVISIONS:  
NO. DATE REMARKS

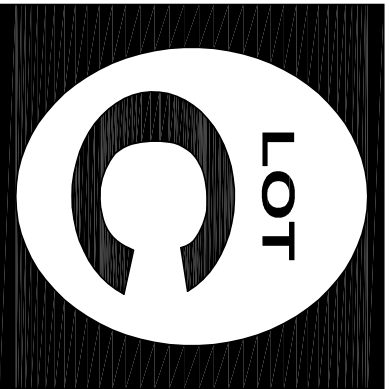
PROJECT NO:  
**1501**  
ISSUE DATE:  
**March 15, 2016**

DRAWING  
TITLE:

**Elevations**  
**1/8" = 1'-0"**

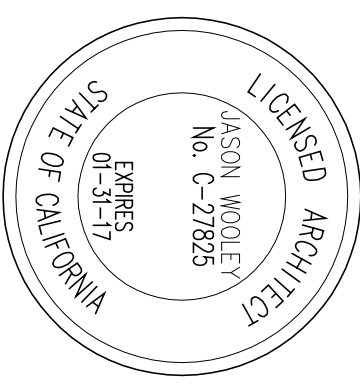
DRAWING NO:

**A3.2**



ARCHITECTURE

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P R O J E C T :

PIONEER  
COMMERCE  
CENTER  
(phase 2)  
Building 'L'

R E V I S I O N S :	
NO.	DATE      REMARKS

P R O J E C T N O :  
0731  
I S S U E   D A T E :  
March 7, 2016

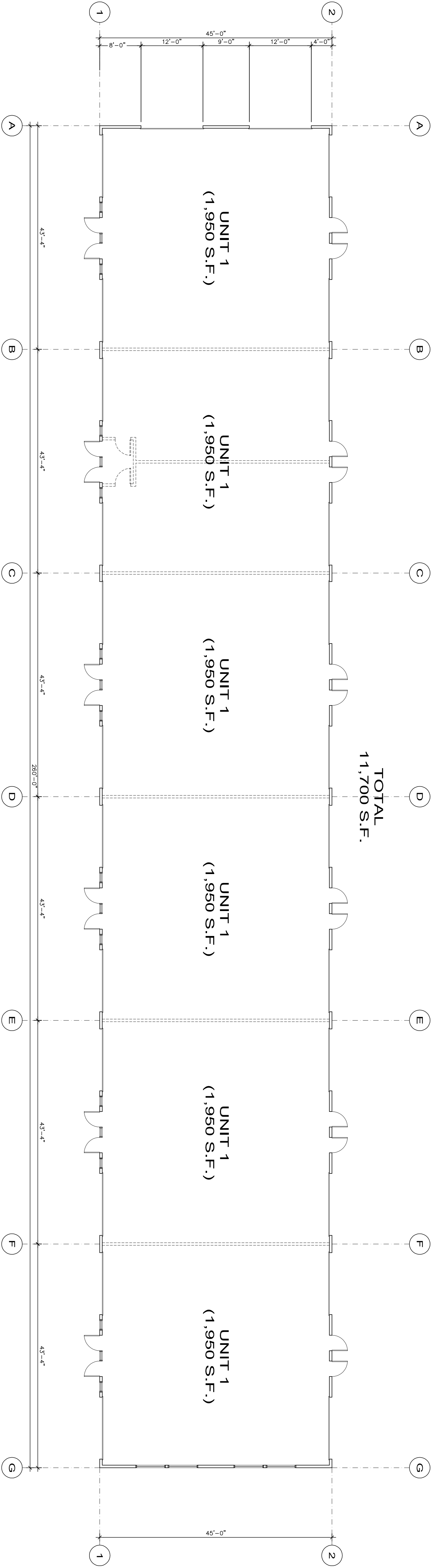
D R A W I N G  
T I T L E :

PROPOSED  
FLOOR  
PLAN

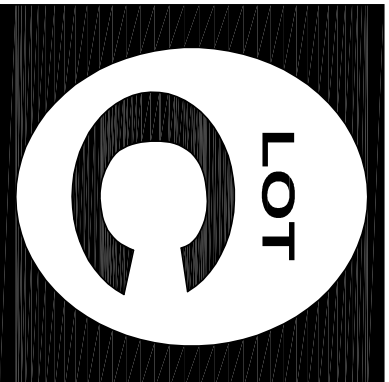
3/32" = 1'-0"

D R A W I N G   N O :   

A2.1

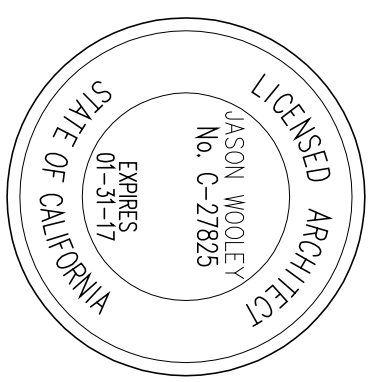


BUILDING 'L'



ARCHITECTURE

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P R O J E C T :

PIONEER  
COMMERCE  
CENTER  
(phase 2)  
Building 'L'

R E V I S I O N S :  
NO. DATE REMARKS

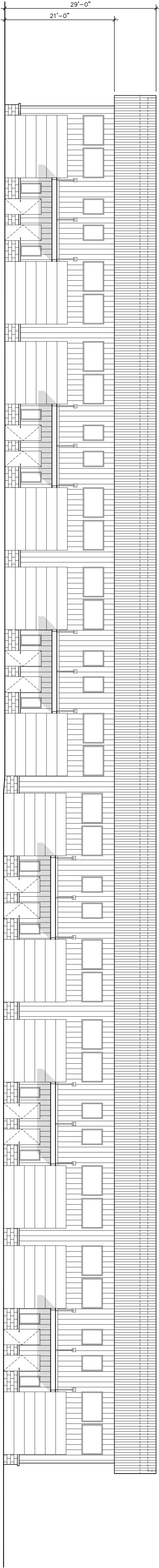
P R O J E C T N O :  
0731  
I S S U E D A T E :  
March 7, 2016

D R A W I N G  
T I T L E :

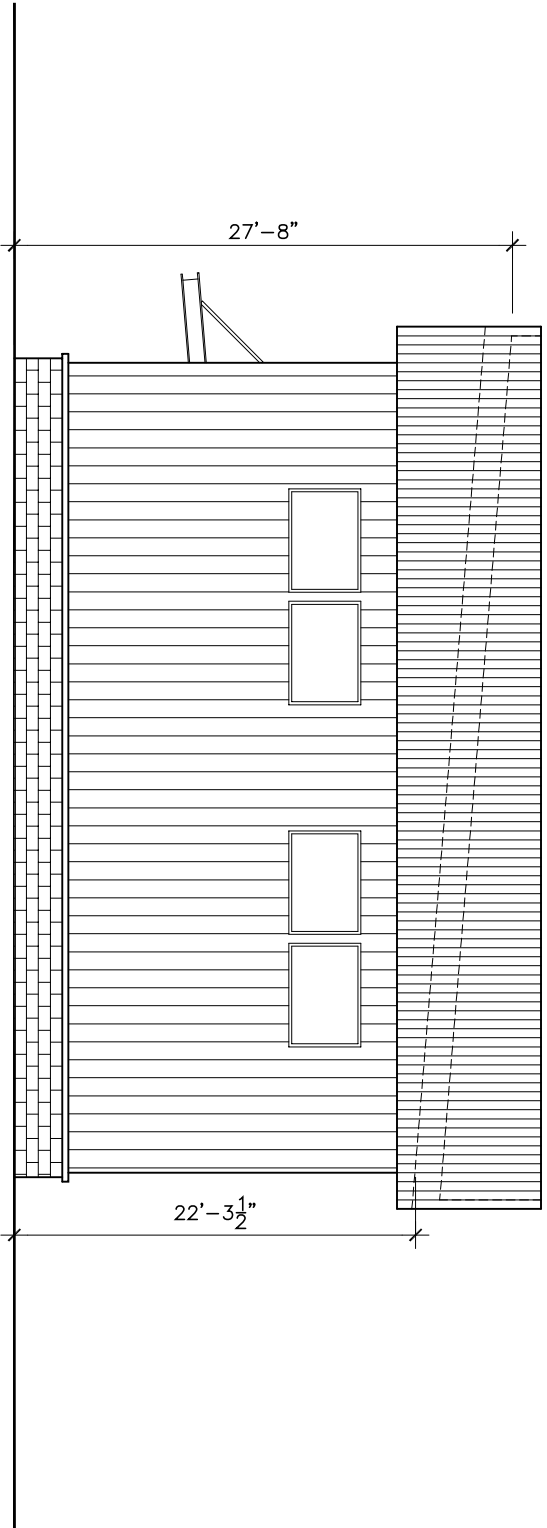
ELEVATIONS  
3/32" = 1'-0"

D R A W I N G N O :

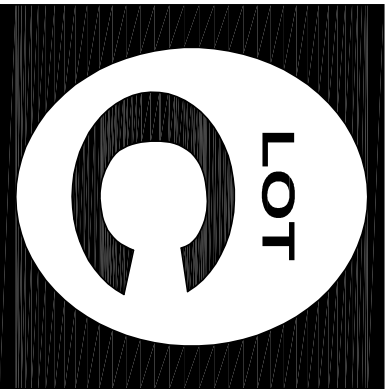
A3.1



1 SOUTH ELEVATION - SCALE: 3/32"=1'-0"

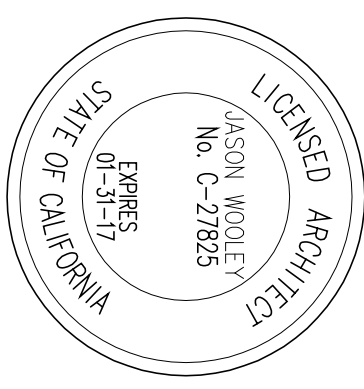


2 EAST ELEVATION - SCALE: 3/32"=1'-0"



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P R O J E C T :

PIONEER  
COMMERCE  
CENTER  
(phase 2)  
Building 'L'

R E V I S I O N S :  
NO. DATE REMARKS

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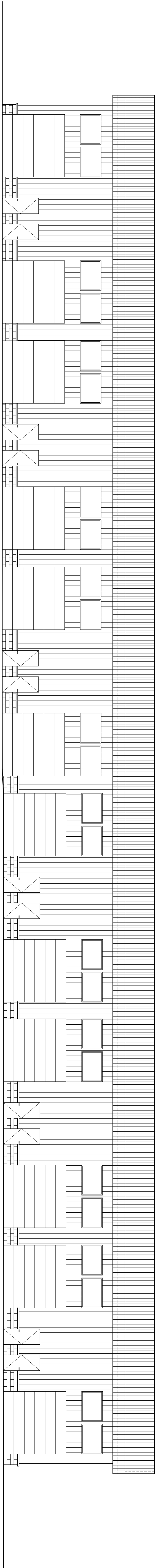
P R O J E C T N O :  
0731  
I S S U E D A T E :  
March 7, 2016

D R A W I N G  
T I T L E :

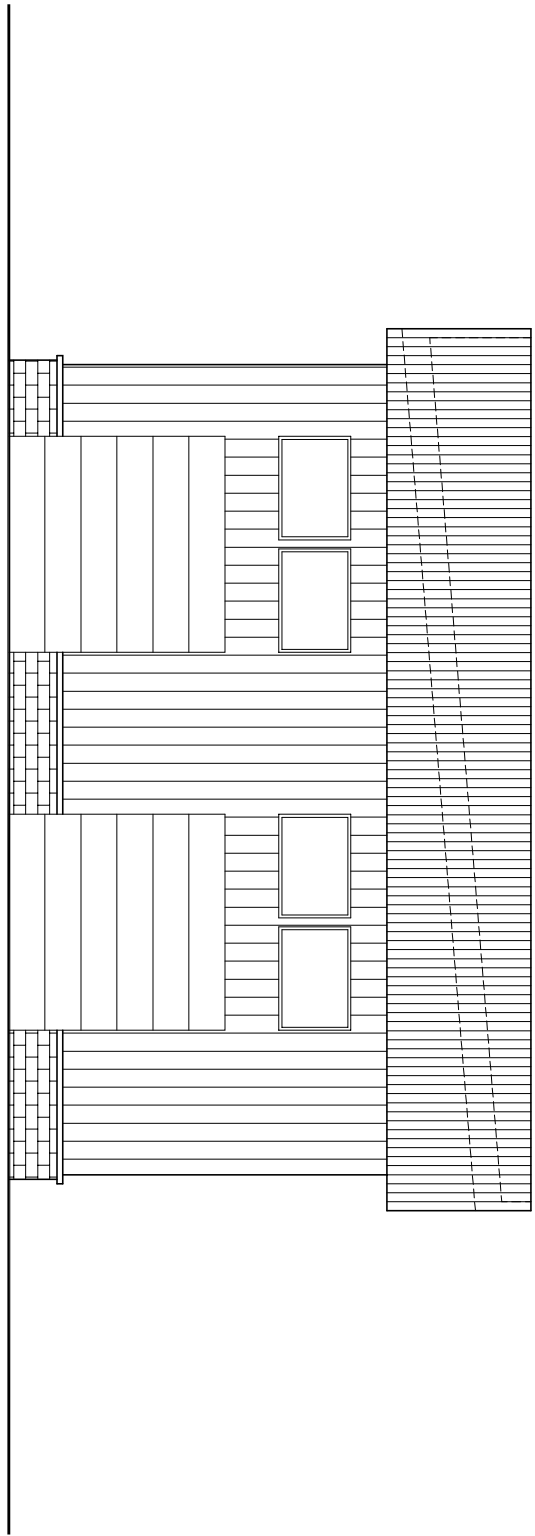
ELEVATIONS  
3/32" = 1'-0"

D R A W I N G N O :

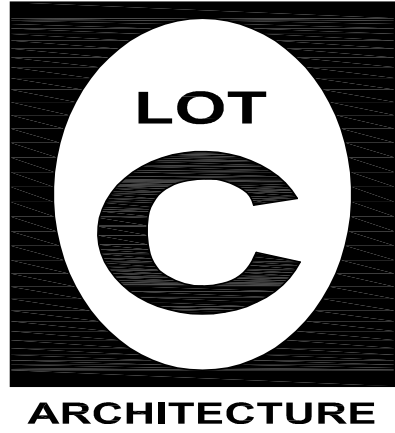
A3.2



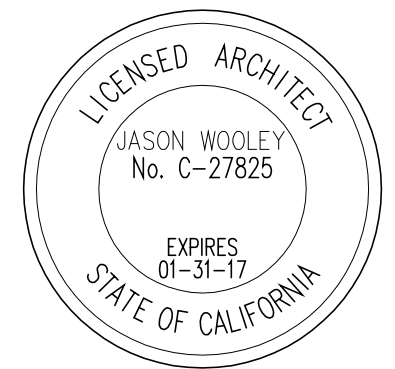
1 NORTH ELEVATION - SCALE: 3/32"=1'-0"



2 WEST ELEVATION - SCALE: 3/32"=1'-0"



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PROJECT :

**PIONEER  
COMMERCE  
CENTER**

*Building 'M'*

REVISIONS :

NO.	DATE	REMARKS

PROJECT NO :  
**0731**  
ISSUE DATE :  
**March 8, 2016**

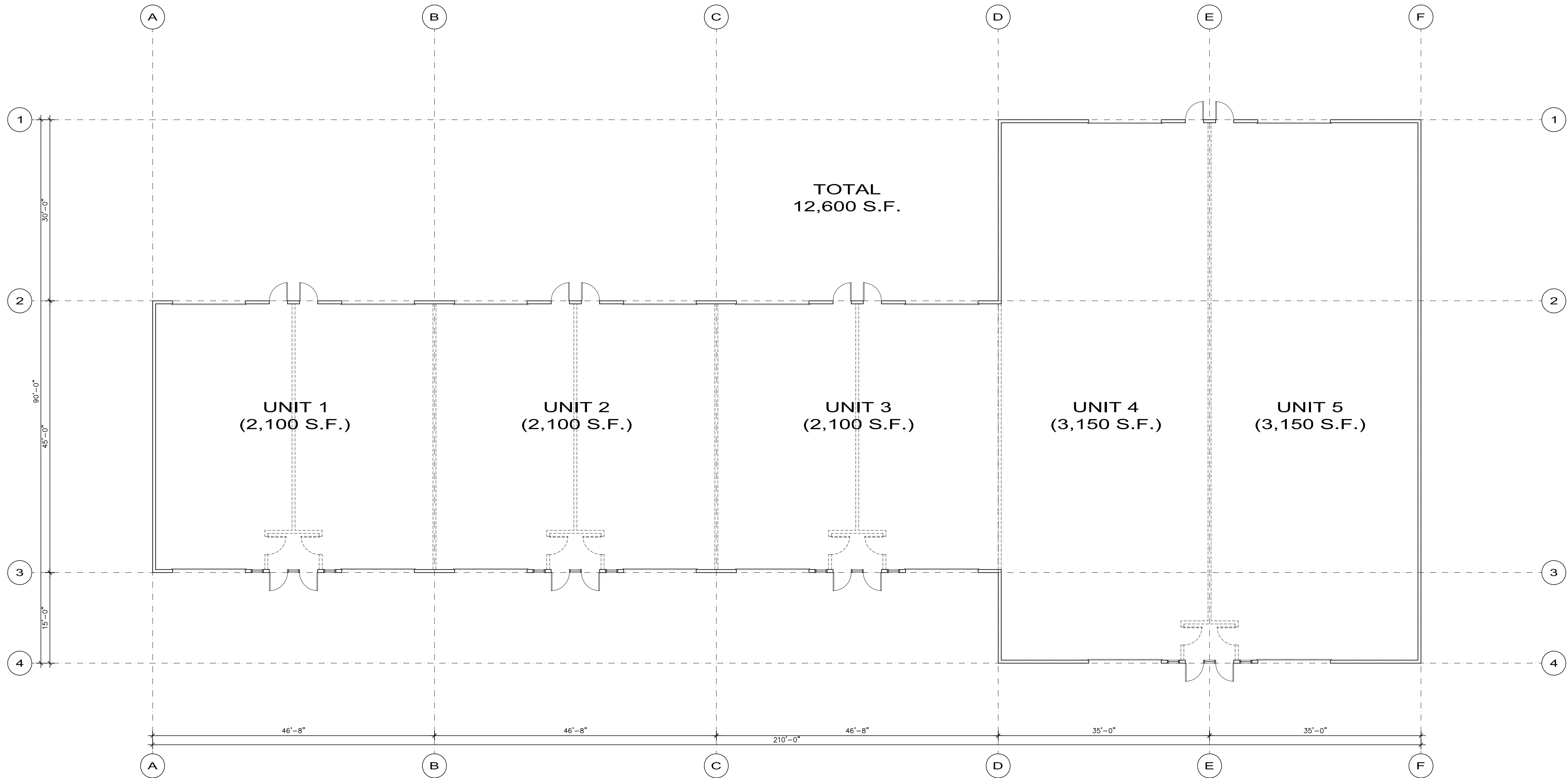
DRAWING  
TITLE :

**PROPOSED  
FLOOR  
PLAN**

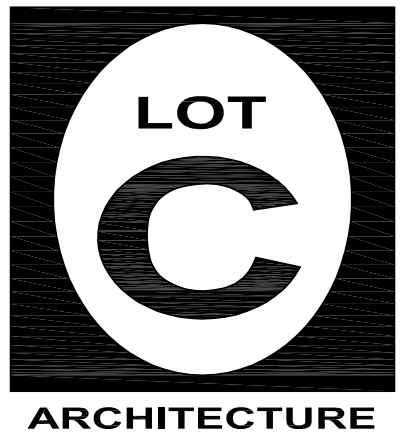
**3/32" = 1'-0"**

DRAWING NO :

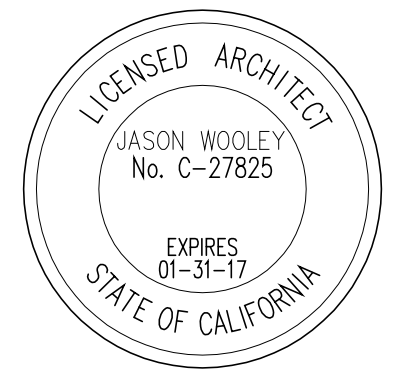
**A2.1**



**BUILDING 'M'**



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PROJECT :

**PIONEER  
COMMERCE  
CENTER**

*Building 'M'*

REVISIONS :

NO.	DATE	REMARKS

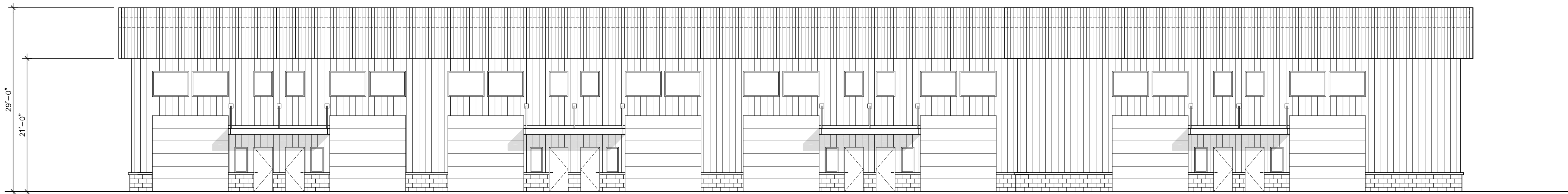
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**0731**  
ISSUE DATE :  
**March 8, 2016**

DRAWING  
TITLE :

**ELEVATIONS  
3/32" = 1'-0"**

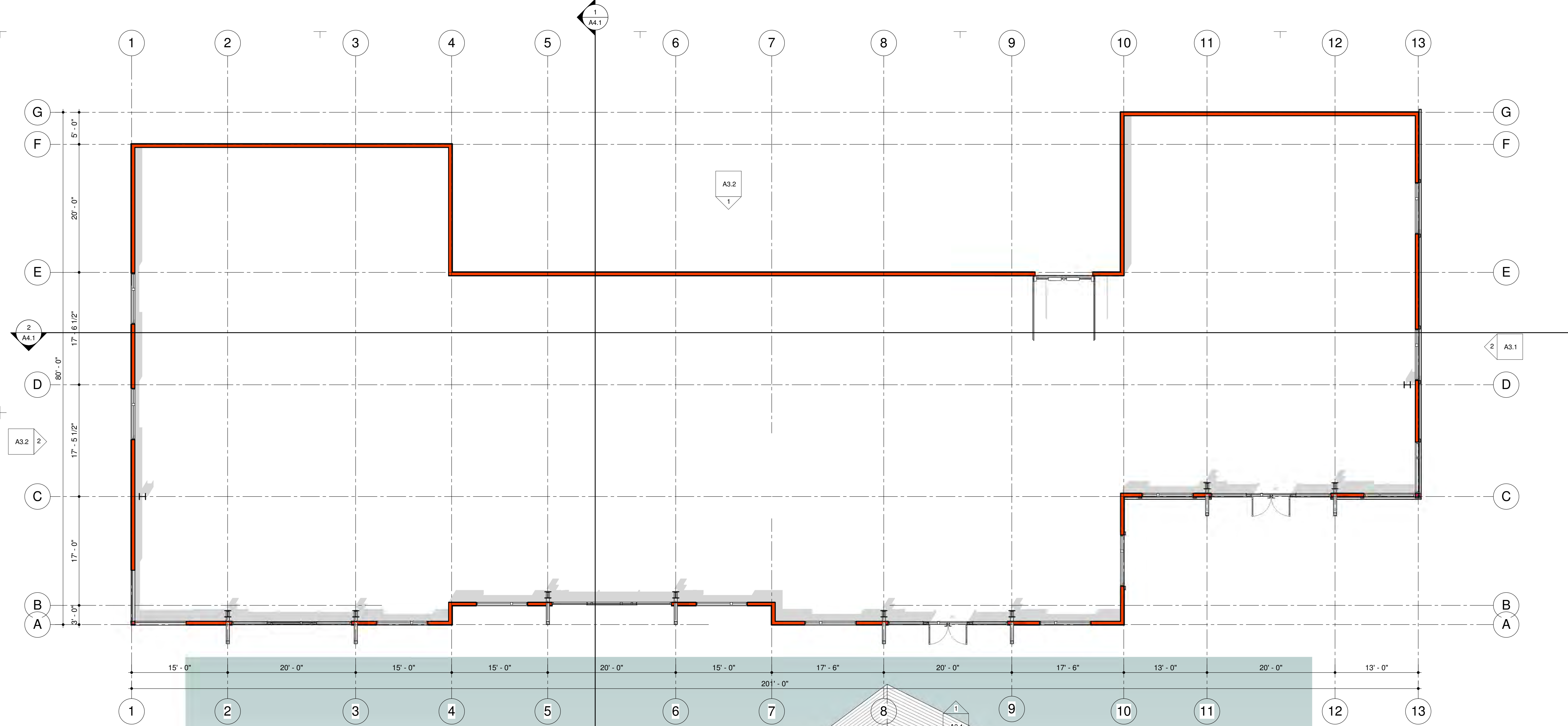
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**A3.1**



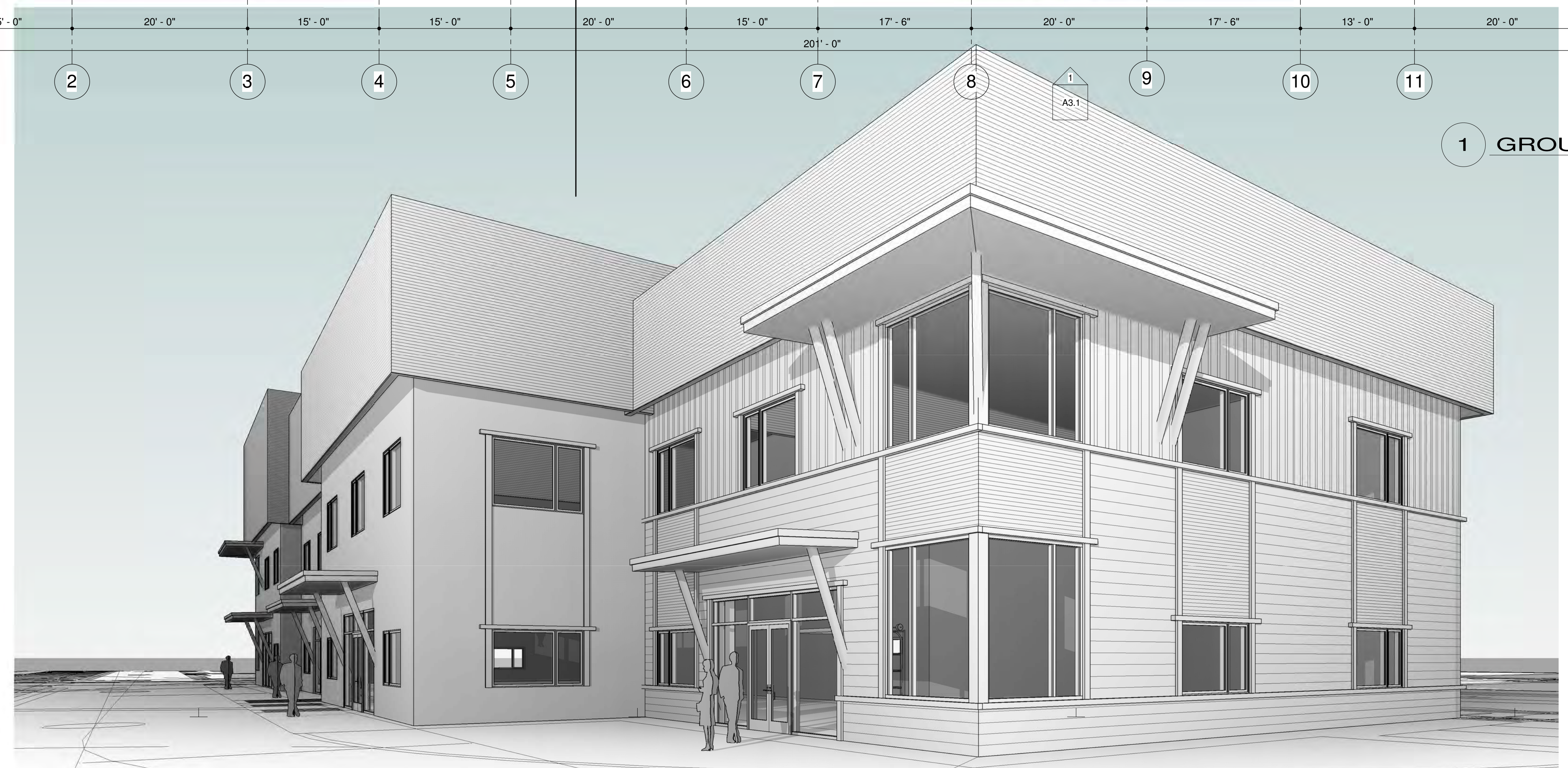
**1 SOUTH ELEVATION** - SCALE: 3/32"=1'-0"



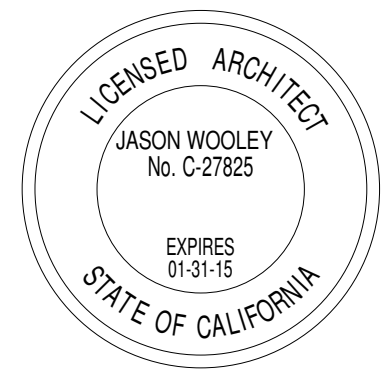


1 GROUND FLOOR

1/8" = 1'-0"



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PROJECT:  
**BUILDING H**

Schematic Design

Pioneer Commerce  
Center  
Truckee, CA  
APN:

REVISIONS:

NO.	DATE	REMARKS
1		

PROJECT NO:  
1407  
ISSUE DATE:  
March 7, 2016

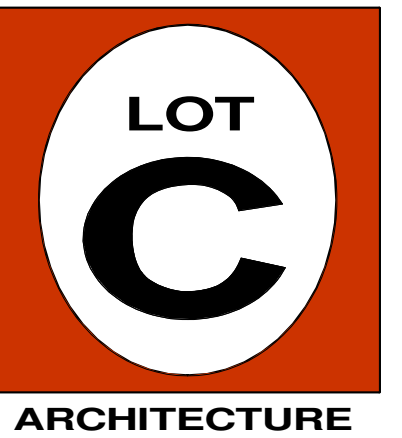
DRAWING  
TITLE:

GROUND  
FLOOR PLAN  
1/8" = 1'-0"

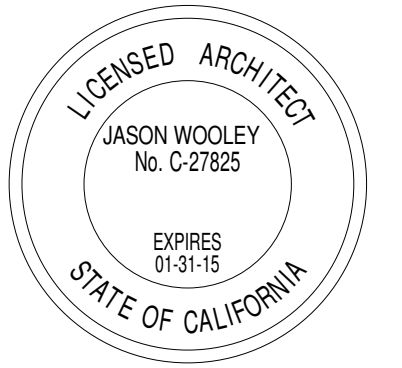
DRAWING NO:

A2.1





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PROJECT :  
**BUILDING H**

Schematic Design

Pioneer Commerce  
Center  
Truckee, CA  
APN:

REVISIONS :

NO.	DATE	REMARKS
1		

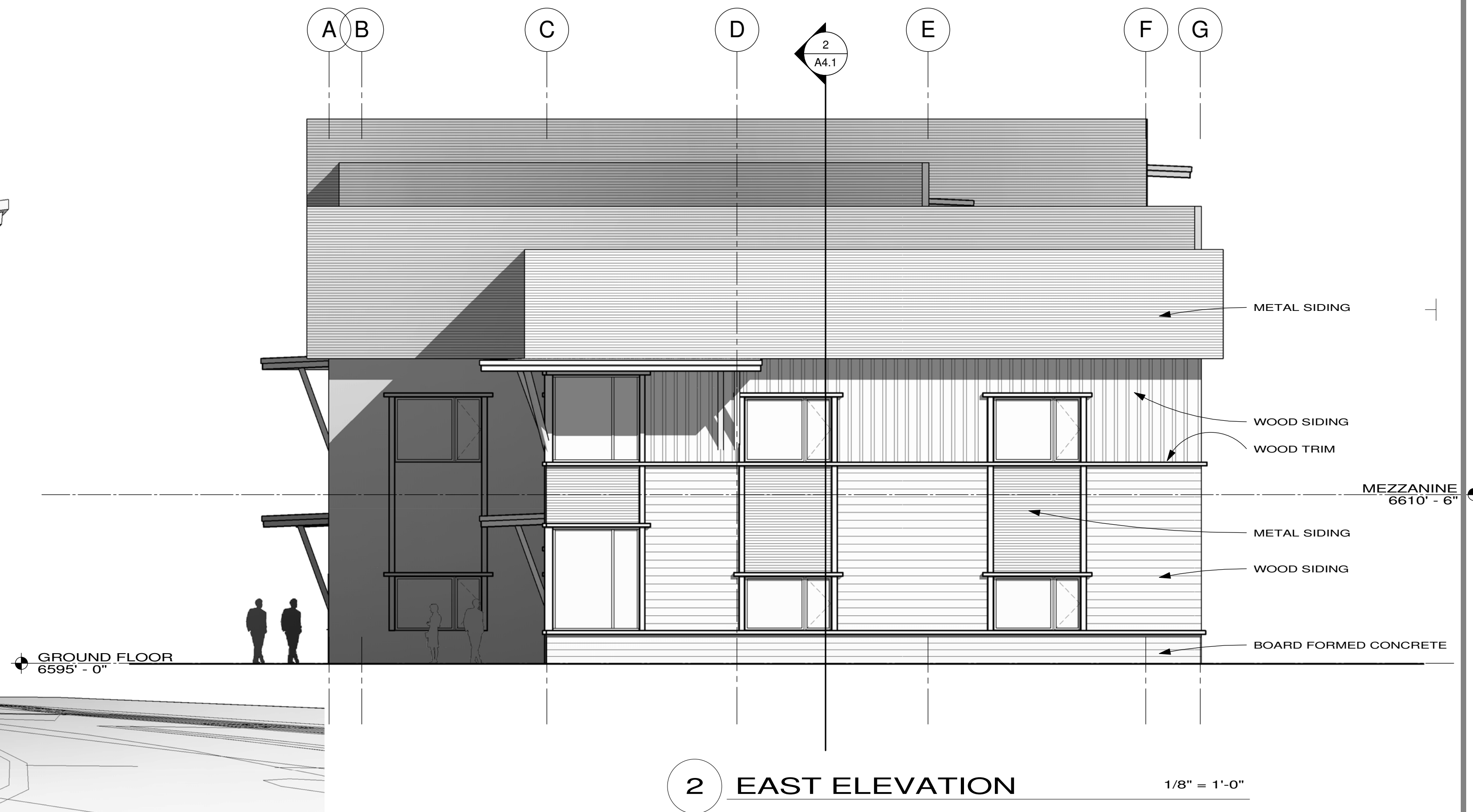
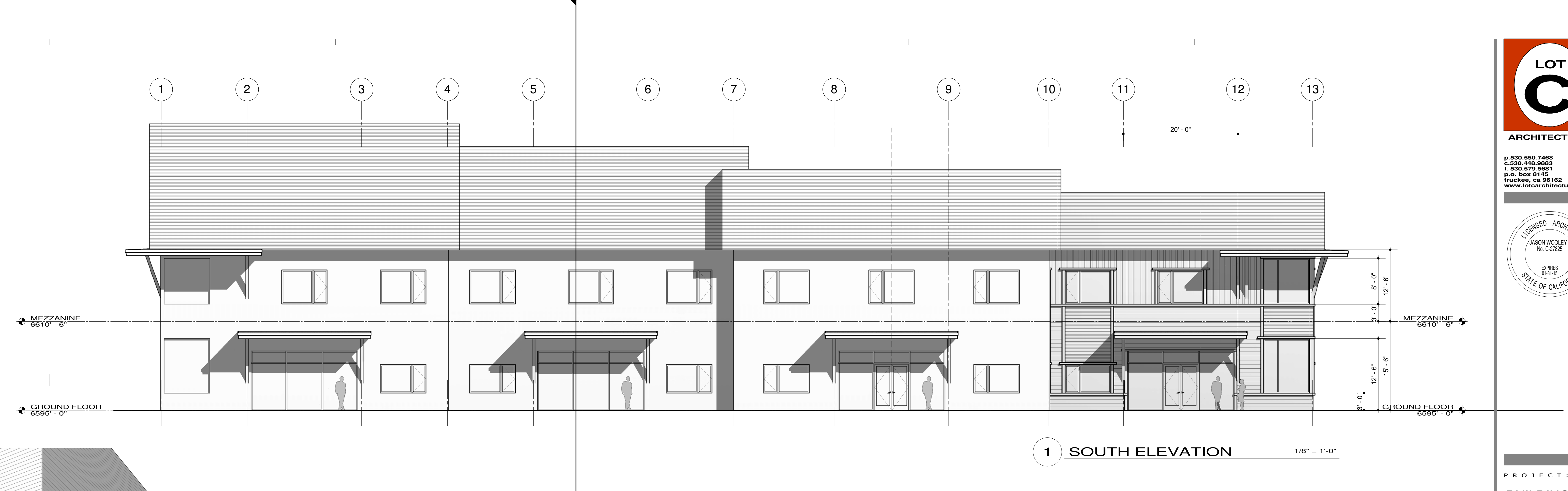
PROJECT NO :  
1407  
ISSUE DATE :  
March 7, 2016

DRAWING  
TITLE :

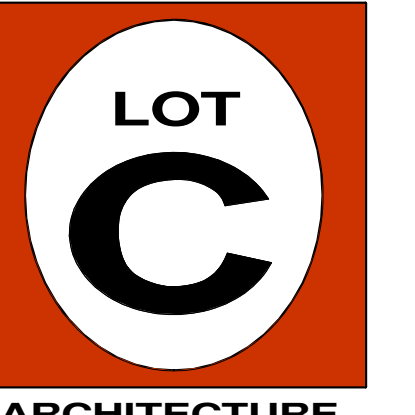
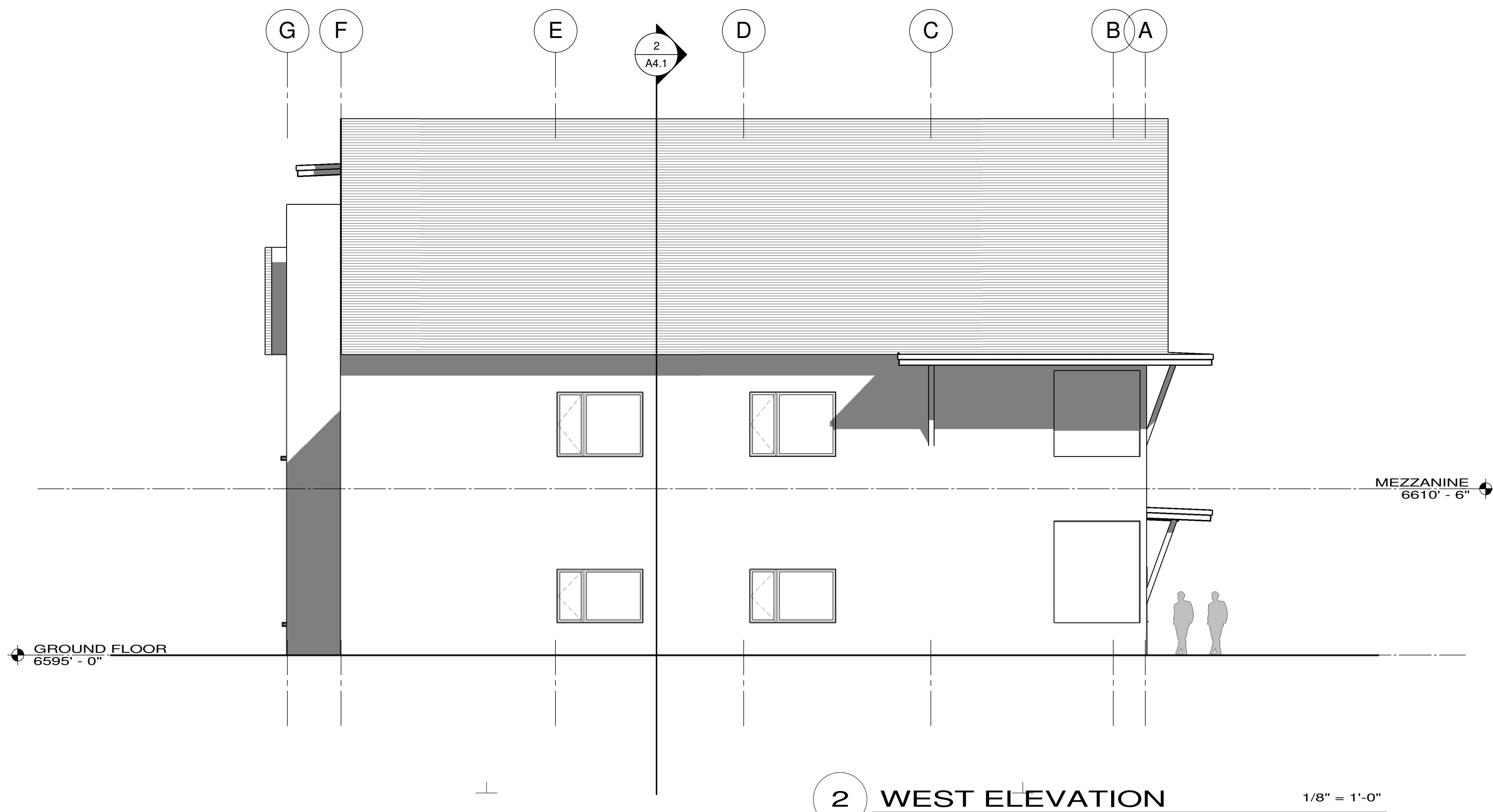
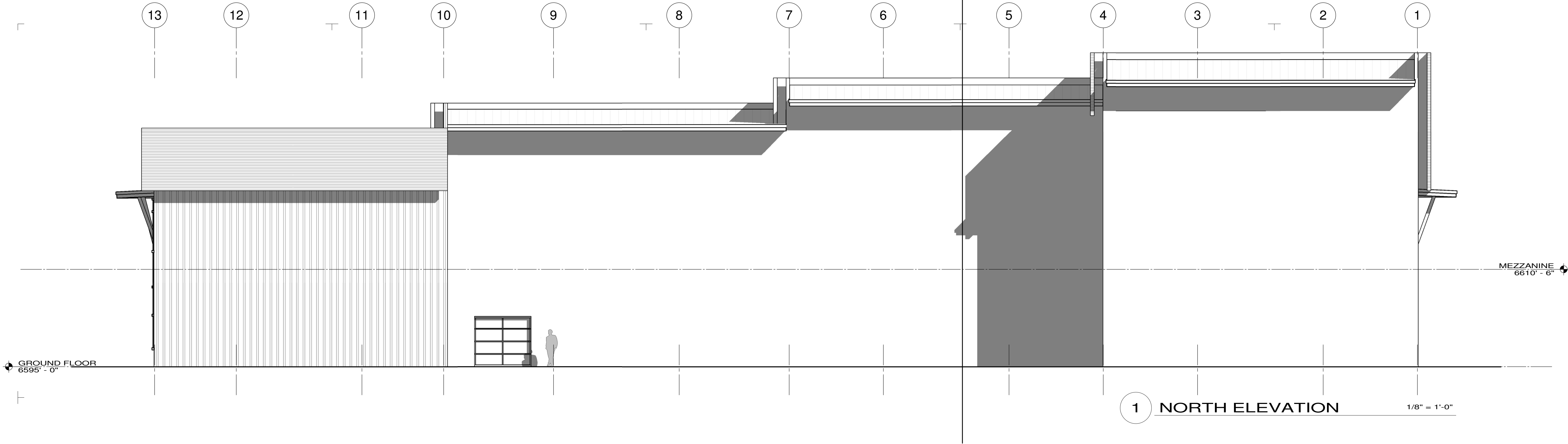
ELEVATIONS  
1/8" = 1'-0"

DRAWING NO :

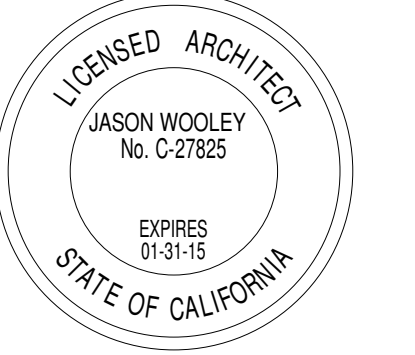
**A3.1**







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PROJECT :  
**BUILDING H**

*Schematic Design*

*Pioneer Commerce  
Center  
Truckee, CA  
APN:*

REVISIONS :		
NO.	DATE	REMARKS
1		

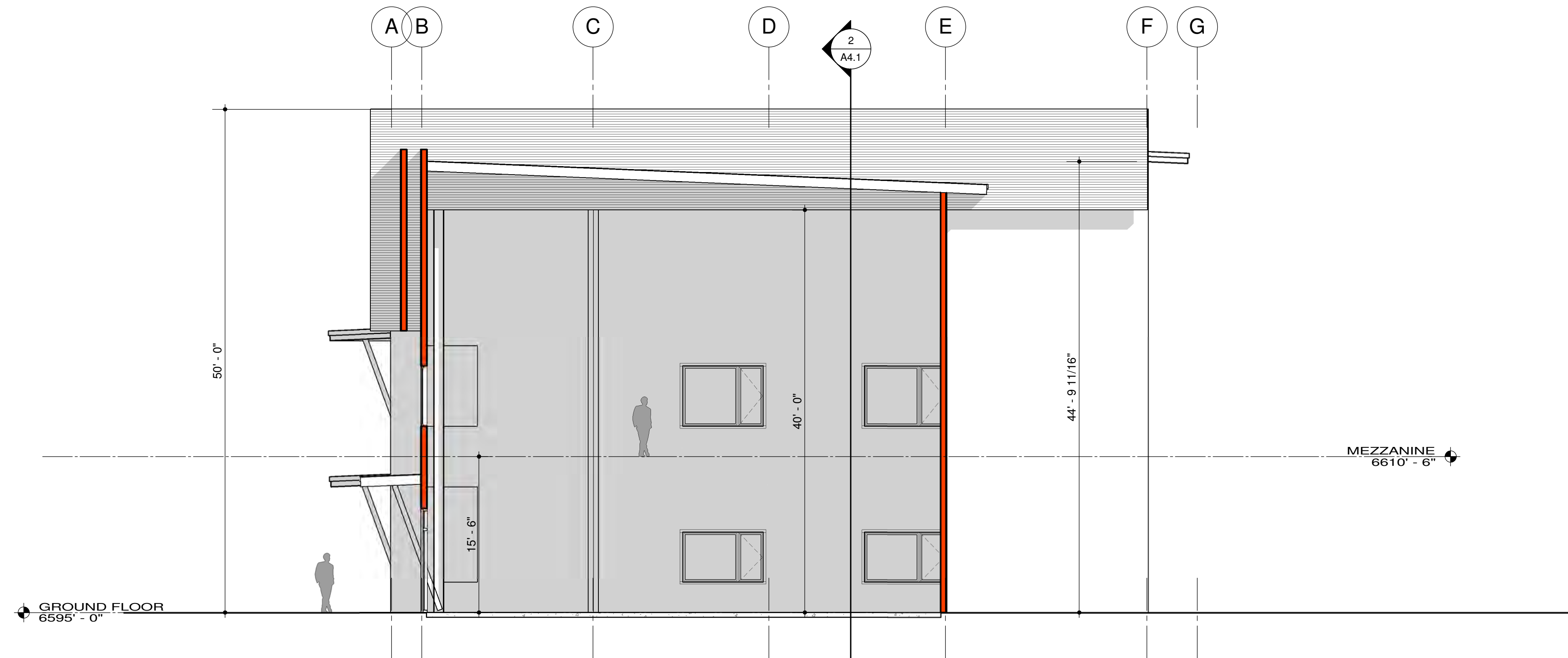
PROJECT NO :  
**1407**  
ISSUE DATE :  
**March 7, 2016**

DRAWING  
TITLE :

**ELEVATIONS**  
**1/8" = 1'-0"**

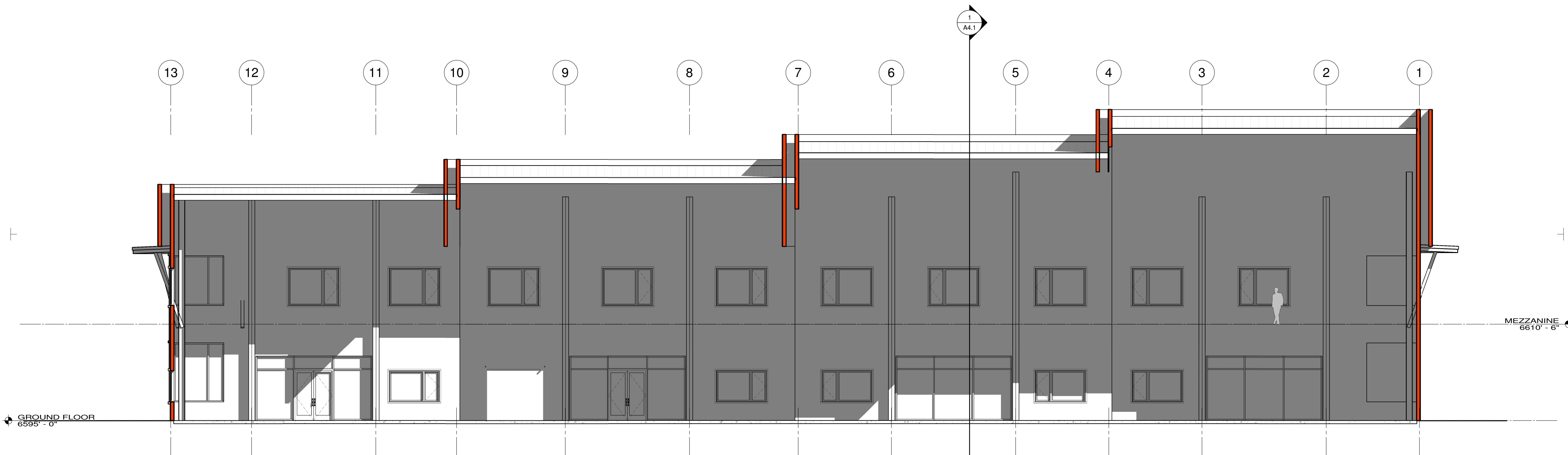
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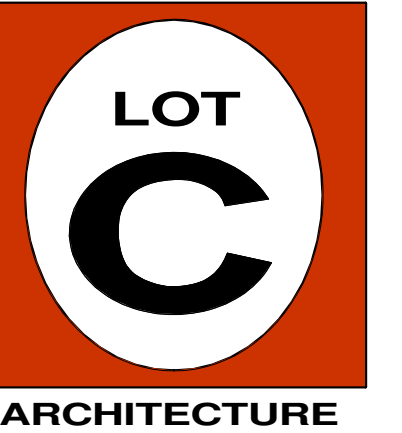
1 Section 1

1/8" = 1'-0"

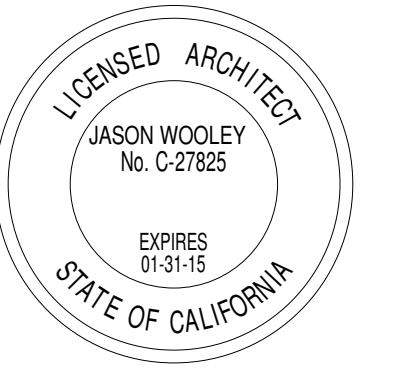


2 Section 2

1/8" = 1'-0"



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PROJECT:  
**BUILDING H**

Schematic Design

Pioneer Commerce  
Center  
Truckee, CA  
APN:

REVISIONS:		
NO.	DATE	REMARKS
1		

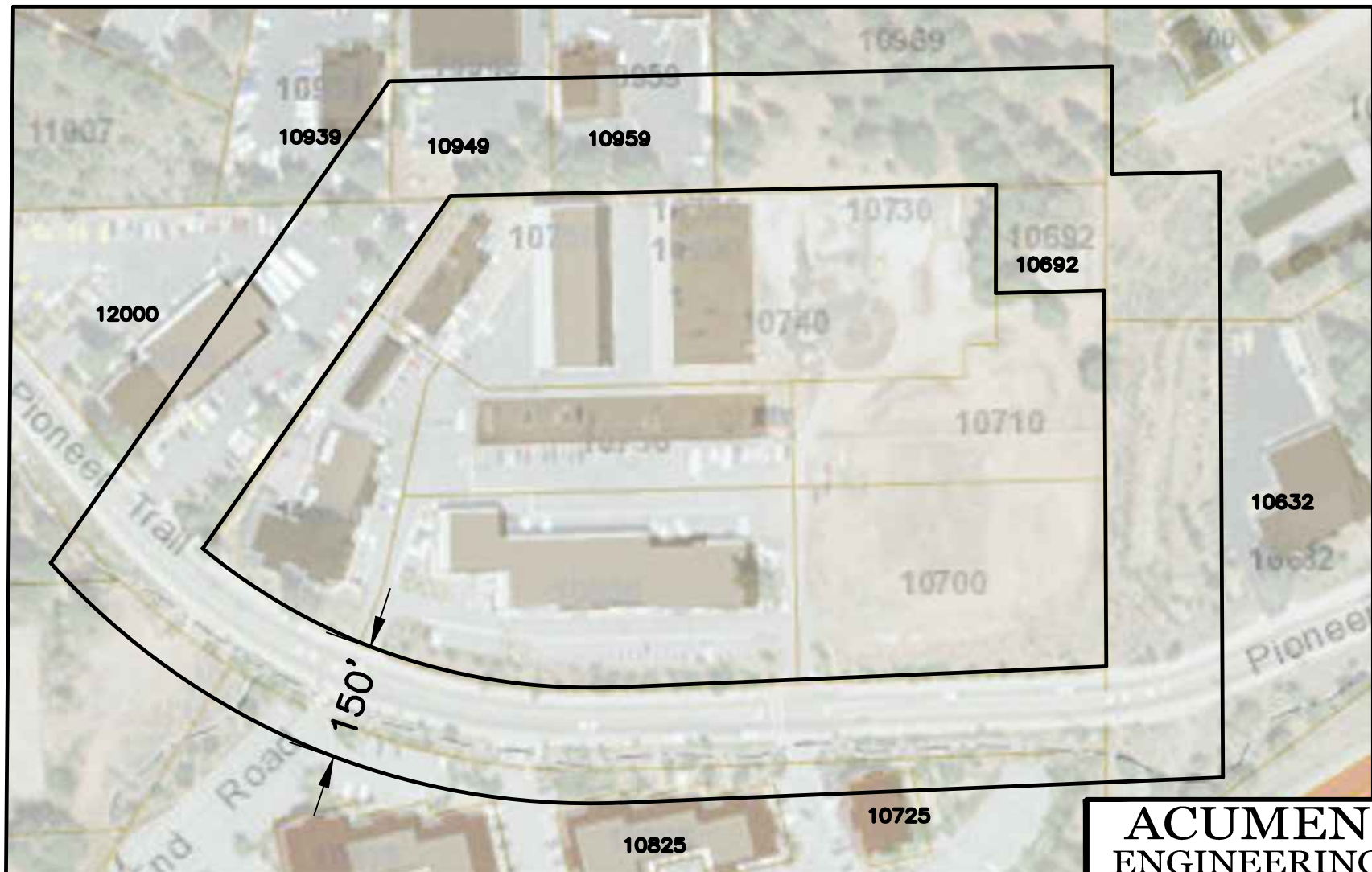
PROJECT NO:  
1407  
ISSUE DATE:  
March 7, 2016

DRAWING  
TITLE:

SECTIONS  
1/8" = 1'-0"

DRAWING NO:

**A4.1**



1 inch = 200 FT

#### ADDRESS

12000 PIONEER TRAIL  
 10939 INDUSTRIAL WAY  
 10949 INDUSTRIAL WAY  
 10959 INDUSTRIAL WAY  
 10692 PIONEER TRAIL  
 10725 PIONEER TRAIL  
 10825 PIONEER TRAIL  
 10632 PIONEER TRAIL

#### USE

INDUSTRIAL  
 INDUSTRIAL  
 INDUSTRIAL  
 INDUSTRIAL  
 PUBLIC UTILITY  
 INDUSTRIAL  
 INDUSTRIAL  
 SOUTHWEST GAS

## ACUMEN ENGINEERING C O M P A N Y

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 fax 530.550.8069

Post Office Box 3497  
 Truckee, CA 96160

150' TYPE/USE  
 FOR PCC II  
 DEVELOPMENT  
 REVISION

09 MARCH 2016

# EXHIBIT 3



**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.



# EXHIBIT 4

**Town of Truckee  
California**

**PLANNING COMMISSION RESOLUTION 2017-16**

**A RESOLUTION OF THE TOWN OF TRUCKEE PLANNING COMMISSION  
APPROVING APPLICATION 2017-00000052/PA  
PIONEER COMMERCE CENTER PHASE II PROJECT AMENDMENT**

**WHEREAS**, on July 19, 2016, the Town of Truckee Planning Commission adopted Resolution 2016-13 approving a Development Permit for the construction of the remaining six unconstructed buildings approved as part of Pioneer Commerce Center Phase II in 2005 (APNs 19-700-15-000 to 19-700-20-000); and

**WHEREAS**, a Planned Development was approved in 2005 allowing a wider range of uses within the Manufacturing zone district, and the applicant is requesting to amend the Planned Development to remove the existing 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 1) amend the Development Permit to increase the size of Building H from 12,135 square feet to 18,834 square feet for a standalone fitness gym and to allow for construction of Building M as a nine-unit residential apartment complex, and 2) amend the Planned Development for Pioneer Commerce Center to remove the existing maximum limit on floor space for health/fitness facilities; 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 2017-00000052/PA (Pioneer Commerce Center Phase II Project Amendment):

1. Approves a Project Amendment to amend the 2016 Development Permit and 2005 Planned Development for the project 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 Vice Chair Hall and seconded by Commissioner Wiebush at a Regular Meeting of the Truckee Planning Commission held on the 19<sup>th</sup> day of September 2017 and adopted by the following vote:

**AYES:** Chair Kielas, Vice Chair Hall, Commissioner Gadow, Commissioner Wiebush

**NOES:** Commissioner Polivy

**ABSENT:** None

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Seth Kielas – Chair  
Town of Truckee Planning Commission

ATTEST:

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Emily McGuire, Secretary

Attachments:

Exhibit A – Approved Site Plans and Building Elevations  
Exhibit B – Recommended Conditions of Approval  
Exhibit C – Findings

**RESOLUTION 2017-16  
EXHIBIT "B"**

**APPLICATION 2017-00000052  
PIONEER COMMERCE CENTER PHASE II PROJECT AMENDMENT**

**CONDITIONS OF APPROVAL**

**General Conditions of Approval**

1. A Project Amendment is hereby approved amend the Development Permit for the construction and development of the Pioneer Commerce Center Phase II buildings (APNs 19-700-15-000 to 19-700-20-000), and to amend the Pioneer Commerce Center Planned Development, as detailed on the approved plans and as described in the September 19, 2017 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 Town Planner of compliance with each condition. ***(Planning Division)***
2. The effective date of approval shall be October 2, 2017, unless the approval is appealed to the Town Council by 5:00 p.m. on September 29, 2017. 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 May 12, 2017, 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. A Lot Line Adjustment is required to adjust the boundaries of parcels 19-700-15-000, 19-700-16-000 and 19-700-20-000 to accommodate the proposed modifications to Buildings H and M. The Lot Line Adjustment shall be submitted to the Planning Division and recorded prior to issuance of any building permits for Buildings H or M. **(Planning Division)**

### Project-Specific Conditions of Approval

10. 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 \$250,000The 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)**
11. 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)**
12. 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)**
13. 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)**
14. All units of the boat storage buildings shall be accessible at all times. **(Planning Commission Resolution 2005-03)**

15. 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)**
16. 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)**
17. Trees removed greater than six inches in diameter measured from the circumference breast height shall be replaced at a ratio of 1:2 (one replacement tree for every two 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. Offsite 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)**
18. 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)***

19. 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 Interstate 80. ***(Planning Commission Resolution 2005-03)***
20. 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)***
21. 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)***
22. 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)**
23. 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 sq. ft. 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 sq. ft. of gross floor area constructed in Phase 1 shall be paid in its entirety. **(Mitigation Measure 2a, Planning Commission Resolution 2005-03)**
  24. 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)**
  25. 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)**
  26. 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)**
  27. 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)**

28. 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 September 11, 2017. 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. **(Truckee Fire District, Planning Division)**
29. 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)**
30. 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)**
31. 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)**
32. A total of 258 on-site parking spaces are required, including nine covered parking spaces for the multifamily housing units, as identified on the approved site plan dated July 10, 2017. **(Planning Division)**
33. 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). **(Planning Division)**
34. The developer shall inform all future residential tenants in the lease agreement of the on-site industrial users. A draft of the lease agreement shall be submitted to the Town Planner for review and approval prior to the issuance of a temporary certificate of occupancy. **(Planning Division)**
35. Prior to issuance of building permits, a workforce housing proposal shall be approved by the Community Development Director in compliance with the requirements of Development Code Chapter 18.216 (Workforce Housing). The proposal shall include one of the following: (i) payment of the workforce housing in-lieu fee for each unit of workforce housing demand generated by the project; (ii) recordation of a deed restriction in a form acceptable to the Town permanently restricting the rent that may be charged

for one residential unit to a level that is affordable for low-income households; or (iii) recordation of a deed restriction in a form acceptable to the Town permanently providing a right of first refusal for occupancy of one residential unit to Pioneer Commerce Center employees and a “locals preference” for leasing of that same unit. Payment of any required in-lieu fees or the provision to the Town of a draft copy of any proposed deed restriction shall be required prior to building permit issuance. If the developer elects to record a deed restriction, recordation shall be required prior to issuance of temporary or final certificate of occupancy. **(Planning Division)**

36. Future conversion of the nine workforce housing units to for-sale condominiums is prohibited. **(Planning Division)**

**RESOLUTION 2017-16  
EXHIBIT B**

**APPLICATION 2017-00000052  
PIONEER COMMERCE CENTER PHASE II PROJECT AMENDMENT**

**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 September 19, 2017.

- 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 September 19, 2017.

- 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 September 19, 2017 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 September 19, 2017 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.

#### **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 September 19, 2017.

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 September 19, 2017 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 September 19, 2017 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 September 19, 2017 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 September 19, 2017, 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 September 19, 2017, in conjunction with the approved conditions of approval.

# EXHIBIT 5



**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.

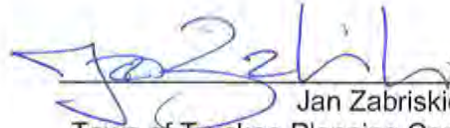
**BE IT FURTHER RESOLVED**, the Planning Commission adopts the findings set forth in Exhibit "C" (Findings), in support of approval of these actions.

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 21<sup>st</sup> 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 8<sup>th</sup> 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:

- |  |   |
|--|---|
| - 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.



# EXHIBIT 6

**From:** Laura Dabe LDabe@townoftruckee.com  
**Subject:** FW: Commercial Permit Submittal for BLDG K4 in Pioneer Center...  
**Date:** July 10, 2023 at 9:52 AM  
**To:** ciro.m@me.com

LD

Hi Ciro,

The Building Division forwarded this permit application to the Planning Division and asked us to confirm that there are active land use approvals for the building before they start processing the building permit submittal. I looked through our project files and it looks like this building was included in the 2016 Development Permit (2016-00000035). The effective date was August 1, 2016 and the project was required to be completed within 4 years, so the expiration would have been on August 1, 2020:

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 approval shall become null and void unless an extension of time is granted by the Planning Commission (*Planning Divisi*

A copy of the resolution is attached for reference. I don't see any subsequent Time Extension approvals that would have extended the expiration date, but wanted to check with you on that so we can figure out next steps.

Thanks,

Laura Dabe, AICP  
Associate Planner  
Town of Truckee  
10183 Truckee Airport Road  
Truckee, CA 96161  
(530) 582-2937  
[LDabe@townoftruckee.com](mailto:LDabe@townoftruckee.com)

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**From:** jason wooley <[jason@LOTARCHITECTURE.COM](mailto:jason@LOTARCHITECTURE.COM)>  
**Sent:** Thursday, July 6, 2023 3:40 PM  
**To:** cdd <[cdd@townoftruckee.com](mailto:cdd@townoftruckee.com)>  
**Cc:** Ciro Mancuso (<[ciro.m@me.com](mailto:ciro.m@me.com)>) <[ciro.m@me.com](mailto:ciro.m@me.com)>  
**Subject:** Commercial Permit Submittal for BLDG K4 in Pioneer Center...

Hello Truckee Building,

I have a permit submittal for a commercial boat storage building in the Pioneer Center. The applications, documents, and drawings are all included in the following link...

[https://www.dropbox.com/scl/fi/hu82n3whru7fe2rw68f37/BOAT\\_K4\\_SUBMITTAL\\_6jul23.zip?rlkey=7brfe47a4jcpvd8x4h03hr58r&dl=0](https://www.dropbox.com/scl/fi/hu82n3whru7fe2rw68f37/BOAT_K4_SUBMITTAL_6jul23.zip?rlkey=7brfe47a4jcpvd8x4h03hr58r&dl=0)

Please let me know if you have any trouble downloading these documents, and if you need anything else.

Thank you!

jason

jason wooley | architect

lot c architecture | 530.550.7468 | [www.lotcarchitecture.com](http://www.lotcarchitecture.com)

Final Resolution  
2016-1...mit.pdf



# EXHIBIT 7

Mrs. Denyelle Nishimori  
Community Development Director  
Town of Truckee  
10183 Truckee Airport Road  
Truckee, California 96161

July 27, 2023

Re: Development Permit 2016-00000035  
*Pioneer Commerce Center Phase II, Building K-4*

Lot C Architecture, on behalf of Hidden Lake Properties, submitted a Building Permit application for Boat Storage Building K-4 in Pioneer Commerce Center Phase II (north) on July 6, 2023. We were notified via email from Laura Dabe on July 10, 2023 that Development Permit 2016-00000035 had expired in 2020. Ms. Dabe referenced the following language in the Permit and suggested that I contact you concerning this issue:

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*)

The email came as quite a surprise to me for two reasons:

- The expectation of the 2016 Planning Commission Resolution, if it is correct, is entirely inconsistent with the ability to achieve construction completion of six buildings within a four-year period and the historical timeframes of building construction at the Pioneer Commerce Center since 2000; and
- The 2016 Application's Land Use Zoning Application, Environmental Application and Letter of Justification very specifically described the need for a realistic construction period to complete construction:
  - Project Description/Request: *...Establish a project schedule for construction...*
  - Environmental Application: Project Description: *...change schedule for construction...*
  - Letter of Justification: *"This Development Permit Application proposed to allow completion of Phase II of the Pioneer Commerce Center over a 10-year period. This timing, as compared to the typical four year limit, is necessary to allow construction of the remaining buildings in response to market demand for boat storage ("K" buildings) and general manufacturing/industrial floor space ("H", "L" and "M") rather than speculation. A 10-year timeframe eliminates the very likely requirement to make yet another application to the Town and the resulting use of Staff and Planning Commission time to review a twice approved project that does not propose any changes."*

The Planning Commission approved an amendment to the 2016 Permit in 2017 (2017-00000052/PA) to increase the size of Building H and change the use of Building M to multi-family residential. The 2017 Permit stated the amendment would expire in 24-months but was silent on the expiration of the project. The Staff report acknowledged

Hidden Lake Properties' 2016 proposed construction timing: *A 10-year timeframe was requested by the applicant to allow a phased buildout of buildings K1, K3, K4, H, L and M.*

The Planning Commission approved an amendment to the Pioneer Commerce Center Planned Development Permit in 2019 (2019-00000050/AMD) to modify the commercial floor area limits for restaurant uses. As with the previous approvals, the 2019 Permit stated the amendment would expire in 24-months but was silent on the expiration of the project (i.e. Building Permit(s)).

Hidden Lake Properties has acted in good-faith over the past 23-years to construct and operate the Pioneer Commerce Center in compliance with all Permit Conditions and Building K-4 is the last building to be constructed in the entire project. We honestly believed the 24-month extensions contained within the 2017 and 2019 amendments were also applied to the building construction timeframes, notwithstanding HLP's 2016 proposal for a 10-year construction window and the supply chain impacts associated with COVID.

With respect specifically to Building K-4, Hidden Lake Properties has:

- prepared and submitted the plans for the building from all necessary consultants and the plans are 100% in compliance with the 2016 conditions of approval (location, materials, dimensions, use);
- ordered the prefabricated metal building and paid for it at a substantial cost. We have commitments from storage customers for the new building.

The 2017 Permit included the following language:

*"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.*

I would like to meet with you to discuss how the project can move ahead in a timely manner and respectfully urge you, as the Community Development Director to exercise the discretion granted to you by the Planning Commission, to allow construction of Building K-4 to proceed.

Sincerely,



Ciro Mancuso  
President, Hidden Lake Properties, Inc.

# EXHIBIT 8



July 28, 2023

Town of Truckee, CA  
Building Division  
10183 Truckee Airport Road  
Truckee, CA 96161

**RE: Pre-Pour Slab Observation  
Pioneer Commerce Center  
Boat Building K4**

To Whom it May Concern:

Prior to the final slab pour at the above noted project, we were in contact with Ciro Mancuso and were provided photos showing the rebar configurations and the anchor bolts. Everything shown in the photos provided are in substantial compliance with the structural plans and we take no issue with the construction conducted on site.

It should be noted that our review of photos does not include dimensional verification of anchor bolt placement, although our experience working with Ciro for many years and many buildings is that close attention is paid to the bolt placement. The templates in the photos appear to ensure accurate anchor bolt placement.

If you have any other concerns on this project, please feel free to contact me directly at 208.568.1171. Thank you.

Sincerely,

Brandon Helms, P.E.  
Principal  
Maple Brook Engineering, Inc.



# EXHIBIT 9



**From:** Denyelle Nishimori DNishimori@townoftruckee.com   
**Subject:** Re: Pioneer Commerce Center II K-4 Building  
**Date:** August 1, 2023 at 12:48 PM  
**To:** bquesnelengineer@gmail.com  
**Cc:** Ciro Mancuso ciro.m@me.com, Jenna Gatto JGatto@townoftruckee.com, Laura Dabe LDabe@townoftruckee.com

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DN

Hi Bill and Ciro-

I reviewed the land use approvals along with Laura and Jenna and unfortunately they are expired. The path forward would be to submit a new land use application. Because this would be for a previously approved project, it would be a quick process on our end. I also think the Planning Commission would be supportive. I think if you could submit soon, we can get it on the next available Planning Commission agenda. I am also happy to meet if you want to discuss this further,

**Denyelle N. Nishimori**

Community Development Director  
Town of Truckee  
530-582-2934



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**From:** bquesnelengineer@gmail.com <bquesnelengineer@gmail.com>  
**Sent:** Thursday, July 27, 2023 1:12 PM  
**To:** Denyelle Nishimori <DNishimori@townoftruckee.com>  
**Cc:** Ciro Mancuso <ciro.m@me.com>  
**Subject:** Pioneer Commerce Center II K-4 Building

Denyelle:

Attached is a letter from Hidden Lake Properties concerning the status of the Permit(s) for Pioneer Commerce Center.

Bill

# EXHIBIT 10

Town Council

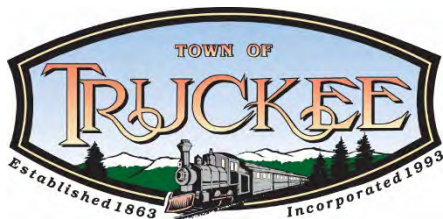
Lindsay Romack, Mayor

David Polivy, Vice Mayor

Anna Klovstad, Council Member

Jan Zabriskie, Council Member

Courtney Henderson, Council Member



Department Heads

Jen Callaway, Town Manager

Andy Morris, Town Attorney

Danny Renfrow, Chief of Police

Daniel Wilkins, Public Works Director/Town Engineer

Denyelle Nishimori, Community Development Director

Nicole Casey, Administrative Services Director

Judy Price, Communications Director/Town Clerk

Hilary Hobbs, Assistant to the Town Manager

September 5, 2023

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

**RE: Planning Application 2023-0000107/DP-ZC (Pioneer Commerce Center Building K-4 Development Permit and Zoning Clearance); APN 019-700-025 (No Address Assigned)**

Dear Mr. Mancuso:

Thank you for submitting your application for the Pioneer Commerce Center Building K-4 project on August 7, 2023. The application requests Development Permit approval to approve a 11,840 square foot boat storage building located on APN 019-700-025 in Pioneer Commerce Center Phase II (Lot 1 of recorded Parcel Map 19 185). The project site is located within the M (Manufacturing) zoning district and Industrial land use designation of the 2040 General Plan.

Staff has determined that the following land use entitlements are required for the proposed project:

- **Development Permit** – Required for non-residential projects that involve a change in land use, new structures or additions to existing structures with a gross floor area of 7,500 square feet or more and/or site disturbance of with 26,000 square feet or more; and
- **Zoning Clearance** – Required to approve a commercial parking and vehicle storage use, a permitted use in the M (Manufacturing) zoning district pursuant to the Pioneer Commerce Center Planned Development (Planning Commission Resolution 2019-10).

The Planning Division has reviewed the submittal package and has deemed your application complete for routing to all Town departments and outside agencies which may have an interest in the proposed project. Please note that these departments and agencies may require additional information or conditions. Copies of all comment letters received will be forwarded to you for reference at the end of the two-week routing period.

***Additional Information***

Staff has identified the following additional information that is required for clarification purposes:

- **Landscape Plan** – Landscaping is not proposed as part of the current project. Please explain how the proposed project complies with the previously approved landscaping for Phase II.

- **Parking Calculations** – Based on previous project approvals, it appears that 258 parking spaces were approved for the overall Phase II project. It appears that a portion of these spaces are proposed to be constructed as part of the current project. Please provide information on how the proposed parking is consistent with the previously approved parking for Phase II.
- **Bike Parking** – The application submittal identifies that bike parking at a rate of 5% of required parking for the project is required. Please note that the current Development Code standard for non-residential projects requires bike parking at a rate of 15% of required parking spaces, with a minimum of three bike parking spaces required. Please provide information on where these three spaces are proposed to be accommodated on the project site.
- **Solid Waste Storage** – Please provide a description of the existing solid waste storage for Phase II to confirm that there is adequate space to accommodate solid waste and recyclables storage for the proposed building.
- **Exterior Lighting** – Please provide information on the proposed exterior lighting to demonstrate compliance with the Town's exterior lighting standards. Note that all exterior light fixtures are required to be fully shielded and that illumination is required to be confined to the property boundaries.
- **Color Renderings** – Please provide color elevations and/or renderings for staff to include in the Planning Commission staff report and presentation to assist the Commission with its review of the proposed project.

### ***Public Notice Sign***

Development Code Section 18.180.020.5 requires that a public notice sign be posted on the project site no later than 15 days after the application is deemed complete. Attached are the public notice sign requirements. Please ensure that the public notice sign is posted on the property by **September 20, 2023** and email me a photo to verify installation.

### ***Next Steps***

Once all routing comments have been received, staff will review the comments and determine if any additional information is required prior to scheduling your project for review by the Planning Commission.

When the public hearing date has been scheduled, please add the date of the hearing to the public notice sign posted at the entrance to the project site.

If you have any questions, please feel free to contact me at (530) 582-2937 or by email at [LDabe@townoftruckee.com](mailto:LDabe@townoftruckee.com).

Sincerely,



Laura Dabe, AICP  
Associate Planner

Enclosure: Public Notice Sign Requirements

## **Public Notice Sign for Pioneer Commerce Center Building K-4**


**IMPORTANT: Prior to sign fabrication, a proof must be approved by the Town Planning Division.**

- Number of signs required: 1
- Sign Location: On the property at Pioneer Commerce Center Phase II, at the proposed entrance to the project
- Size: 12 s.f. to 16 s.f.
- Height: ±7 feet above grade
- Material: Anything sturdy, weather-resistant, and preferably graffiti-resistant (ask your sign manufacturer for a recommendation).
- Color: White background
- Sign Contents:
  - Include Town logo
  - "Notice of Proposed Project"
  - "Pioneer Commerce Center Building K-4"
  - "Proposal: Development Permit and Zoning Clearance approval requested to re-approve Building K-4, an 11,840 sq. ft. boat storage building."
  - "Requested Land Use Approvals: Development Permit and Zoning Clearance"
  - "Contact Truckee Planning Division: [PlanningDivision@townoftruckee.com](mailto:PlanningDivision@townoftruckee.com) or (530) 582-7700"
  - "Planning Commission Hearing: Tuesday, [DATE TO BE DETERMINED] at 5:00 PM at Town Hall, 10183 Truckee Airport Road, Truckee, 96161."
- A rendering or color elevation of the project.

Reminder: As stated in Section 18.180.020.B.5.c, "The applicant shall maintain the sign(s) until the application is considered by the review authority at a public hearing." It must be removed no later than 30 days after the decision.

# EXHIBIT 11



**From:** bquesnelengineer@gmail.com 

**Subject:** RE: K4

**Date:** September 25, 2023 at 5:45 AM

**To:** Laura Dabe LDabe@townoftruckee.com, Ciro Mancuso ciro.m@me.com, Denyelle Nishimori DNishimori@townoftruckee.com



Laura:

You and I were talking about a hearing date for Aaron Jensen's project and I said that I would likely not be available in October. You asked about moving both the K-4 and Jensen items to the November meeting and I agreed to that for Aaron but also said K-4 needs to be on the agenda as soon as possible, even if I am not in Town.

Bill

---

**From:** Laura Dabe <LDabe@townoftruckee.com>

**Sent:** Monday, September 25, 2023 8:23 AM

**To:** Ciro Mancuso <ciro.m@me.com>; Denyelle Nishimori <DNishimori@townoftruckee.com>

**Cc:** bill Quesnel <bquesnelengineer@gmail.com>

**Subject:** RE: K4

Hi Ciro,

Bill and I have been in communication about hearing dates. The application was deemed complete on September 5 and the routing period ended on September 19. Bill and I have talked about having the project on the agenda as a minor item for the October Planning Commission meeting (which is the next available meeting date with the public notice requirements Denyelle mentioned). Let me know if that works with your schedule.

Thanks,  
Laura

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**From:** Ciro Mancuso <[ciro.m@me.com](mailto:ciro.m@me.com)>

**Sent:** Saturday, September 23, 2023 1:04 PM

**To:** Laura Dabe <[LDabe@townoftruckee.com](mailto:LDabe@townoftruckee.com)>; Denyelle Nishimori <[DNishimori@townoftruckee.com](mailto:DNishimori@townoftruckee.com)>

**Cc:** bill Quesnel <[bquesnelengineer@gmail.com](mailto:bquesnelengineer@gmail.com)>

**Subject:** Fwd: K4

Hi Laura,

Please see the message below from Denyelle. I also include a copy of the email I received on August 1, from Denyelle. Please let me know when this will be on the Planning Commission agenda. Thank you, Ciro

Hi Bill and Ciro-

I reviewed the land use approvals along with Laura and Jenna and unfortunately they are expired. The path forward would be to submit a new land use application. Because this would be for a previously approved project, it would be a quick process on our end. I also think the Planning Commission would be supportive. I think if you could submit soon, we can get it on the next available Planning Commission agenda. I am also happy to meet if you want to discuss this further,

**Denyelle N. Nishimori**

Community Development Director

Town of Truckee

530-582-2934

Begin forwarded message:

**From:** Denyelle Nishimori <[DNishimori@townoftruckee.com](mailto:DNishimori@townoftruckee.com)>

**Subject:** Re: K4

**Date:** September 22, 2023 at 11:35:16 AM PDT

**To:** Ciro Mancuso <[ciro.m@me.com](mailto:ciro.m@me.com)>

**Cc:** bill Quesnel <[bquesnelengineer@gmail.com](mailto:bquesnelengineer@gmail.com)>

Hi Ciro-

It is too late to make the September 27<sup>th</sup> meeting. There is a minimum 10-day legal noticing requirement which would have had to be sent to the Sierra Sun on September 15th.

The Planning Commission has a backlog of projects we are working to get through. I would suggest talking to Laura about timing for your project when she is back in the office on Monday.

**Denyelle N. Nishimori**

Community Development Director

Community Development Director  
Town of Truckee  
530-582-2934



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**From:** Ciro Mancuso <[ciro.m@me.com](mailto:ciro.m@me.com)>  
**Sent:** Thursday, September 21, 2023 5:09 PM  
**To:** Denyelle Nishimori <[DNishimori@townoftruckee.com](mailto:DNishimori@townoftruckee.com)>  
**Cc:** bill Quesnel <[bquesnelengineer@gmail.com](mailto:bquesnelengineer@gmail.com)>  
**Subject:** K4

Hi Denyelle.

I noticed there's a planning commission hearing on the 27th. Is there any way that our application for building K4 can get on this hearing schedule? I believe this will be a non controversial hearing as it has been looked at by the commission four times. It is very critical as we are waiting to erect the building and time is running out. When I was told that our permit had expired, I was also told we would be put on the next planning commission agenda.

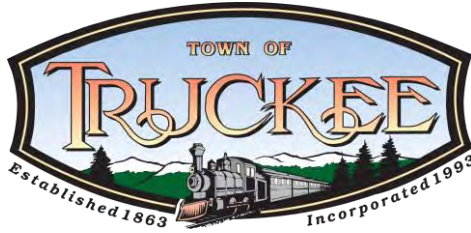
The fees were promptly paid upon your request, the sign has been posted for the required time and our turn around time for responses was one day.

Please let me know if you can make this happen.

Thank you,

Ciro

# EXHIBIT 12



## Planning Commission Meeting Agenda

October 17, 2023, 5:00 PM

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

Public comment will be accepted through the [Planning Commission public comment form](#). To ensure submitted public comment can be reviewed by the Planning Commission and the applicants before the meeting, please submit all public comment by 2:00 p.m. the day of the meeting. Comments received after 2:00 p.m. the day of the meeting will be added to the public record, but the Commission may not be able to review them before or during the meeting.

1. **Call to Order**
2. **Roll Call**- Chair Clarin, Vice Chair Gove, Commissioner Fraiman, Commissioner Taylor, Commissioner Cavanagh
3. **Pledge of Allegiance**
4. **Public Comment**: This is an opportunity for members of the public to address the Commission on items which are not on this agenda. Please state your name for the record. Comments are limited to three minutes. Under state law, the Commission cannot take action on an item not on the agenda. The Commission may choose to acknowledge the comment or, where appropriate, briefly answer a question, refer the matter to staff, or set the item for discussion at a future meeting.
5. **Approval of Minutes**
  - [5.1](#) July 18, 2023 Minutes - Regular Meeting
  - [5.2](#) August 15, 2023 Minutes - Regular Meeting
  - [5.3](#) September 27, 2023 Minutes - Special Meeting
6. **Public Hearings (Minor Review)**
  - [6.1](#) ***Pioneer Commerce Center Building K-4 Development Permit and Zoning Clearance (Application #2023-0000107/DP-ZC); APN 019-700-025 (No Address Assigned); Applicant/Owner: Ciro Mancuso, Hidden Lake Properties, Inc.***

**Recommended Action**: That the Planning Commission adopt Resolution 2023-14, taking the following actions:

Determining the project categorically exempt from CEQA per Section 15332 of the CEQA Guidelines (In-Fill Development); and

Approving the Development Permit and Zoning Clearance, subject to the recommended conditions of approval.

7. **Public Hearings (Major Review)**

**7.1 Request to Continue Application No. 2022-00000153/UP-ZC (Mountain Brew Use Permit); 11260 Donner Pass Road (APN 018-760-002-000); Applicant: Soaring Seven, LLC; Owner: American Petroleum, LLC; Agent: Rob Wood, Millennium Planning**

**Recommended Action:** That the Planning Commission continue this agenda item to a date and time certain at the Planning Commission hearing on November 21, 2023 at 5:00 p.m. There is no longer a quorum as multiple Planning Commissioners must recuse themselves due to conflicts.

**As a reminder, the Planning Commission should open the public hearing and continue it to a date and time certain.**

**8. Staff Reports**

**9. Information Items**

**10. Commission Member Reports**

**11. Adjournment.** To the next meeting of the Planning Commission, November 21, 2023 at 5:00 PM at 10183 Truckee Airport Road, Truckee, CA 96161.

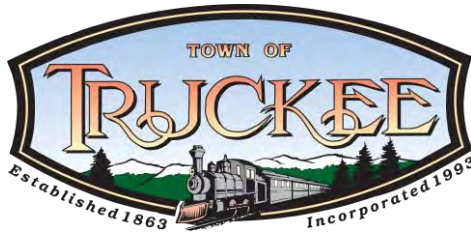
**Posting:** I declare a copy of this agenda was posted at Town Hall, 10183 Truckee Airport Road, Truckee, CA, on October 13th, 2023 by 5:00 p.m. Agenda packets are available for public review online at [www.townoftruckee.com](http://www.townoftruckee.com)

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the lobby of Truckee Town Hall located at 10183 Truckee Airport Road, Truckee, CA, during normal business hours.

Kayley Metroka

For any item on this agenda, the Planning Commission may take the following actions: approve the item as recommended by staff, approve the item with modified conditions of approval and/or a different California Environmental Quality Act (CEQA) determination, continue the item until a future meeting, or deny approval of the item.

**Note:** Public participation is encouraged. In compliance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and in compliance with the Ralph M. Brown Act, if you need special assistance to enable you to attend and participate in this meeting, or if you need the agenda or related materials in an alternative format, please contact the Town Clerk (530) 582-7700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to all aspects of this meeting. For information on recent changes to the Ralph M. Brown Act (effective January 1, 2003) with regard to ADA requirements, please see Government Codes 54953.2, 54954.1, 54954.2 and 54957.5.



## Planning Commission Meeting Minutes

July 18, 2023, 5:00 PM

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

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**1. Call to Order 5:00PM**

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

**3. Pledge of Allegiance**

**4. Public Comment:**

Chair Clarin opened Public Comment.

Seeing none, Chair Clarin closed Public Comment.

**5. Approval of Minutes**

**5.1 June 20, 2023 Minutes - Regular Meeting**

**Edits:** None.

**Commissioner Cavanagh made a motion that was seconded by Commissioner Taylor to approve the June 20, 2023 minutes as submitted. The motion passed and carried the following vote:**

**Ayes:** Chair Clarin, Commissioner Taylor, Commissioner Cavanagh.

**Noes:** None

**Abstain:** None

**Absent:** Vice Chair Gove, Commissioner Fraiman

**6. Public Hearings (Minor Review)**

**7. Public Hearings (Major Review)**

**7.1 Request to Continue the Public Hearing for the Village at Gray's Crossing Car Wash (Planning Application 2022-00000034; 10012 Edwin Way; APN 043-070-010; Owner: Gray's Crossing Investments, LLC, Applicant: Matthew Abbate; Agent: Martin Wood, SCO Planning & Engineering)**

**Recommended Action:** That the Planning Commission continue this agenda item to a date and time uncertain. This item is being continued at the request of the applicant.

As a reminder, the Planning Commission should open the public hearing and continue it to a date and time uncertain.



Commissioner Taylor made a motion that was seconded by Commissioner Cavanagh continue the Public Hearing for the Village at Gray's Crossing Car Wash (Planning Application 2022-00000034) to a date and time uncertain. The motion passed and carried the following vote:

**Ayes:** Chair Clarin, Commissioner Taylor, Commissioner Cavanagh

**Noes:** None

**Abstain:** None

**Absent:** Vice Chair Gove, Commissioner Fraiman

## 7.2 Development Code Update – Objective Design Standards

**Recommended Action:** That the Planning Commission adopt Resolution 2023-12, taking the following actions:

1. Recommending approval to the Town Council of Development Code amendments for Objective Design Standards; and
2. Recommending the amendments to be exempt from CEQA because the adoption of this ordinance is not a "project" pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations, and because under Section 15061(b)(3) of the State CEQA Guidelines, the amendments are exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

### **Clarifying Questions for Staff:**

- Are the height standards applicable to all new and existing single-family homes? Not just new subdivisions? And homes in the historic preservation district?
  - Yes.
- Regarding the plan to simplify the code language, is there a timeline for that?
  - It is on the longer-term timeline. Part of the action is to create more brochures and user-friendly ways for people to understand our code more easily. That may happen more quickly than the overhaul of the Development Code.
- Regarding roofs and decks – when it is referred to reviewing the white roofs from the right-of-way, does that include the right-of-way only around the immediate structure or also the right-of-way that's above a higher elevation than the structure?
  - Above as well. The downtown High Street has a good view of many downtown structures.
- Feeling confused about what is new, what is old, what is flexible? For example, Kurt Reinkens and I want to submit the Jibboom Street project, and I don't want to streamline it, I want to go through the regular process; what's the difference?
  - The Objective Design Standards Chapter as a whole, would not apply. There are provisions that apply like the balcony standards and the open space requirements but the material requirements, the roof articulation standards would not apply to a flexible design review project. You would request to do the flexible design review process and we would review the project against the Design Guidelines instead of using the Objective Design Standards. We would not count how many windows you have, how much percentage of glazing you have, roof types you have. It would probably go to Architectural Review or Historic Preservation Advisory Commission and they would provide feedback on how they think the project can comply with our design guidelines.
- How does counting windows and roofs streamline the process? Isn't that more work?
  - There is more work for staff to analyze the project and probably on the applicant's part to make sure they are checking all the boxes in the Objective Design Standards.

The State's intent is to take out the subjectivity. So, if someone were to not like project, that's not a good enough reason to disapprove it, they would have to specifically identify something like, it doesn't have two roof types. It provides more clarity to the developer.

- Does a streamlined project get pushed in front of other projects that are submitted?
  - No, we're all subject to the permit streamlining act for every project. It goes in our queue and we are subject to a 30-day review for completeness and an additional 30-day review for consistency once we deem it complete. We already have timelines that are built into our jobs as planners so all projects are subject to that streamlining process.
- So, it goes in the queue as it was received just like any other project? The checking process is what is streamlined?
  - Correct. If the application checks all the boxes and everyone feels confident it is meeting the Objective Design Standards, it takes out the iterative process that we often have with architects.
- So, it either meets the Objective Design Standards or it doesn't, and if it doesn't, they can redesign it but there's no subjectivity? I can see that being a time saver. The iterations do take a while.
- Have we removed affordability from this? This is the furthest from affordable from a construction standpoint. The more rules and regulations there are, the more expensive it is to build.
  - That is one of the complexities of the Objective Design Standards. We do have a lot of affordable housing projects that probably wouldn't meet the standards of the Objective Design Standards; but historically, the Town has been willing partners with a lot of affordable housing projects without Objective Design Standards and using the flexible design approach would still be an option for any of them.

### **Public Comment:**

**Kurt Reinkens, MWA Architects:** This is being made way more complicated than it needs to be. You're right, Mitch, it's going to drive up the cost not just in architect's time but also the cost of construction. I feel we are going exactly opposed to the state's intent of affordable housing and getting it built. This is going to drive affordability away. I'd like to go on record declaring the Town is working against the State goals. I question the TRPA height standard as being any better than the Town standard. If it isn't broke, why are we trying to fix it. I believe the design guidelines for commercial should also work with the slope. Curious if the consultants are factoring urban, rural, mountain town with trails and parks. The quantity is excessive and expensive. I think going to not white roofs is against the Cool Roof Standard set by the Energy Commission. I think we're going to have a hot body effect the darker the finish goes. The white roofs also last longer. We are adding long-term costs.

**Seeing no further Public Comment, Chair Clarin closed Public Comment.**

### **Deliberation:**

#### **Are residential rooftop decks appropriate? If so, where?**

- I think we need to clarify whether we are talking multi-family or single-family. Not sure if they're appropriate for single-family, but yes for multi-family.
- Seems like rooftop decks would be a nice amenity for multi-family housing. They might offer an opportunity to incorporate some of the exterior space that's required. Would they make sense to construct for water issues? Is it feasible to keep them watertight?
- In theory everything could be made watertight. In reality, does it work?
- I like the multi-family concept. I wouldn't mandate it, I wouldn't say you couldn't do it, I would let it be up to the designer.
- I agree.

- It seems reasonable.
- Why do you think it wouldn't be appropriate on a single-family dwelling? One of the nicest sets of decks in town is on a single-family dwelling, over Lorian Powers's studio.
- I think a deck over living space is fine, I was referring to a rooftop top floor deck like a widow's walk or something that would protrude above the top floor building.
- Maybe this is something we need to be more conscious in our definitions where a rooftop deck is defined and deck space over living space.
- Some draft verbiage for this definition could be "above living space not on the top floor".
- Is this only in the Objective Design Standards or is it also in the Flexible Standards?
  - Since this is in the balcony section, it is in both.
- I don't think the height standards now would or previously would have allowed that without projections above.
- It's a safety thing, too.
- We can say "not on the top floor of a single-family residence."
  - I don't believe the balcony standards apply to single-family subdivisions.
- Would you also think we should prohibit it on multi-family subdivisions or not?
- If they want their two percent possibility of having a dry space underneath, they can go for it?
- If they're on a more constrained site, it might help them meet that outdoor space requirement.

#### **Do we want strong fence design requirements?**

- We want fences, not major walls. We should be clear about that.
- Are wood and wrought iron the two materials allowed?
  - Currently, yes.
- There's no standard or language around how transparent we want these fences?
  - Currently the code is written to allow for only wood or dark wrought iron for projects that are using the Objective Design Standards, specifically. A project using the Flexible Design Review can propose whatever. We don't have any materials like vinyl or plastic that are specifically prohibited, but we do discourage barbed wire, electrified fencing and razor wire.
- It seems like staff has this covered except for transparency.
- What does the requirement for multi-family look like right now?
  - Because we do have setback requirements in the multi-family residential zoning district; if we're saying it is less than an acre, you can have a three-foot-high front yard setback and six foot side or rear yard setback. We don't have any screening or requirements specifically for multi-family unless it's adjacent to an industrial project where an industrial project would have to do screening.
- My concern is you see a lot of chicken wire to keep their kids in the yard. Crusher screen, do we want to allow that?
- It is a cousin to chain-link fence. If we don't like the looks of it, we should say it's not allowed.
- Let's just leave it the way it is.

#### **Are SRI coatings sufficient to meet the needs for solar reflectivity if white roofs are prohibited? Or should white roofs be allowed for flat roofs?**

- I wouldn't want to look down on a white roof.
- I think that is covered in how the objective design is written. I don't think we should disallow it just because of the numerous benefits white roofs do have, which is stronger than just putting a coating on a darker colored roof especially when it's flat and when half the year roofs are white anyway for natural reasons.
- I do think the protections around where the roofs can be viewed is strong language that would not allow for that situation.

- The standards are not requiring any SRI value or solar reflectivity in pavers or concrete. Some colors have different SRI values; lighter colors obviously are higher in reflectivity than darker colors.
- Do we talk about what materials are allowed for driveways and walkways?
  - Driveways are determined by our Engineering Division; they currently allow asphalt in the right-of-way. They do allow for concrete and pavers on private property but there isn't any specific SRI value associated with them.
- I think how they updated the roof section is fine. I am okay with white roofs, that is my opinion.
- I don't like looking at white roofs aesthetically, but if there isn't a reason to prohibit them, I get it. In the non-snow season, I wouldn't want to look down on that.
- We are okay with the way it is written.

#### **Is mirrored design sufficient to reduce potential costs?**

- I think it's good we are including it in terms of cutting in half the number of designs that are needed.
- It's something. Is it enough and have to deal with mirrored houses? Over time, they do look different. They paint them, extend them differently, remodel them. So, I am okay with it.
- If mirrored design isn't enough is there something else that we could incorporate in terms of reducing the number of designs?
- It just cut the design in half.
- It reduced it by one.
- The first classification had four, now we have two with two mirrors. It only helps with the upfront design costs; the construction costs stay the same.
- Growing up in a neighborhood like this, it originally has a suburban feel, but as time goes on they look different.
- Unless there is a suggestion to reduce the cost associated with a number of different designs required, I would say it is sufficient as is.
- We are good with how this one is written then.
- Didn't I hear that the number of building varieties were reduced but the edits are showing they were increased?
- It was increased and then reduced with the mirrored.

#### **Are there other standards that we are missing? Should any be removed?**

- We can cover this when we discuss the changes in more depth.

#### **What needs to be clarified or defined?**

- We can cover this when we discuss the changes in more depth.

#### **Discussion Continued**

- Will staff provide a handout or checklist for project applicants to help make this easier to know which process to go and how to use the standards?
- Yes, once it is adopted, staff will be creating other documents.
- Page 4: The orientation for passive solar gain; if a house is oriented for more passive solar gain does that reduce the amount or the need to put PV panels up? Is that why you would allow the orientation change?
  - I believe it is for the sun to warm the house.
- It would be to reduce in the winter heat increase inefficiency and in order to meet building performance standards you'd have to put in some sort of shade screening for vegetation or an awning or overhang to produce solar gains in the summer.
- So, there is no regulatory reason for requiring or providing more flexibility in that respect.
- Page 10: Parking structures- if we have a multi-family structure in the downtown, zero to 100 units could have surface parking?
  - That is correct.

- That's a lot of surface parking in the downtown area. I believe it's cheaper to build a parking lot rather than a parking structure, but that is a lot of parking spaces.
  - Parking structures in terms of the parking structure and the podium parking it's up to 100. There is a requirement for parking garages.
- So, zero to 100 would be surface parking, 100 to 200 is podium parking. So if we had a 99 unit building, how many parking spaces would that be?
  - Around 200 parking spaces.
- That seems like an excessive amount of open asphalt. Why was it raised from 50?
  - It is mostly based on the feasibility factor. Parking structures in Truckee are pretty cost prohibitive. The only way a multi-tiered parking structure would get constructed is by the Town or a public entity for the benefit of the community.
- These numbers don't seem practical.
  - In the particular zoning districts where these are required there isn't much land available for parking structures. We could try to make more responsive to our existing environment within the downtown. There aren't many opportunities for 200 or more units in the historic downtown.
- It doesn't seem like the numbers work for a pedestrian activated downtown area.
- But if the structures mean you can't build something affordable, I see where this whole housing thing is an issue.
- The number of units seem to be too high before you have to start doing something like podium parking or a structure.
  - The more feasible area to work on is the podium parking. We do have one project within our community so if you want to look at reducing the numbers there, that may be more feasible.
  - Currently our Development Code does require that at least one parking space per unit has to be in a fully enclosed space. That is another layer of standards that is on top of the Objective Design Standards. A developer would have to do a parking structure, a garage, or podium parking to meet the standard of the other standard that already exists in our Development Code. However, many of our larger multi-family projects all have surface parking. They have all asked for that waiver for affordable housing projects.
- Based on some of the affordable projects built in Truckee, how many of them have gone after a parking reduction as part of their density bonus?
  - Within the density bonus law, you are provided the parking reduction automatically. It is not considered a density bonus, so they all have used it.
- So, it's not likely we will see a 200 unit building with 400 parking places?
  - Correct.
- The way the code is written almost doesn't allow someone to build a 200-unit project.
- Regarding roof types – I don't think you can have an A-frame that is a 6: 12 slope. I'm not even sure you can do that. Letter C specifically shows the seven and 12 slope. I think the shed roof minimums and maximum should go.
  - To clarify- the gable roof doesn't have a maximum or minimum slope. The maximum and minimums slopes apply just to a shed type roof. The gable roof includes a-frame roofs.
- What's the point of having any minimum and maximum?
  - I think it's just to maintain the character of our community.
  - The shed roof is one side opposed to the gable having two sides.
  - There is no minimum or maximum on the gable. When you have a pitch greater than 7:12 there needs to be snow retainage considerations, that is what D2 is talking about.
- In C- even if you have two roofs that are the same type but different pitches that's one roof type, so you would need a second?
  - That's correct.

- The language doesn't require two it says you can have up to two. You just can't have three, four, five and so forth. You can get up to two but you can have multiple pitches.
- I am satisfied with the way it is written.
- Why is there a restriction on how many roof types?
  - In general, once you get to having three different roof types, it is less characteristic of the current development pattern and can be a little difficult to read from an architectural perspective. Trying to encourage simplified buildings that are true to Truckee's existing character and mountain environment was the idea here. We also heard through the community engagement what types of roofs are most characteristic and should be continued vs what should not be and we heard a lot about gable and shed roofs being appropriate.
- In the historic district you see all kinds of roofs as people added on to the buildings but not in current construction.
- 250 people out of 15,000 is two percent of the community. Why are we making rules on two percent of the people's opinion?
- There were also workshops and other discussions.
- If we don't restrict it, are we risking Frankenstein buildings and new constructions that meet the objective standards?
- When driving through Lahontan there are several different roofs on those homes.
- Are you suggesting we don't restrict it?
- That is their desired aesthetic, but does that fit in with the town is the question.
- If I had a mostly flat roof building with a shed roof on one piece of it and I want to put a gable in the front entryway, why shouldn't I be able to do that?
- Would there be space to talk about that in the entry design standard or does that count as a third roof type?
- Restricting and having a lot of regulations interrupts the architectural flow. The more regulations in place, the more everything starts to look the same.
- A different third roof type is more consistent with Truckee funk.
- I agree, we want that little bit of funk. Let it flow.
- Do we have to say how many or do we just not restrict it?
- Don't restrict it, just take that part out. Remove item C on page 21.
- All agree.
- Page 26: Regarding the inappropriate colors, it doesn't state orange as inappropriate, that is so subjective.
- The only way to make this objective would be to list every pantone value of every color that's not allowed. How do we make this more objective?
- For example, the Richardson House is a prominent house in Downtown Truckee, but it couldn't be yellow in Glenshire.
  - It would be allowed in Glenshire because it's an existing single-family subdivision.
  - This is only related to multi-family. We can try to make it more objective by saying a bright yellow, or if there's a specific yellow you don't like we can add that in there.
- Since this is the first version of this and there will likely be amendments, maybe in the next iteration of this we can deal with it then and be more specific if necessary.
- Page 28: 3 A regarding the brick – are you trying to limit the brick or allow for more brick?
  - We were trying to put a maximum.
- In the storage units- did we make that smaller to make it more affordable and make it just big enough for a bike?
  - We made it smaller based off some comments we received about the size of the previous storage square footage. Yes. Based on previous input on storage sizes.
- I would hate to have us end up with more multi-family buildings whose balconies are filled with stuff like we have now. I object to them being smaller but understand they might need to be for affordability reasons.



- Page 39: I suggested we add tangent line to the figure for designers who perhaps don't know what a tangent line is.
- Page 43: Regarding maximum family residential unit sizes, 1,000 seems too small.
  - The 1,000 square feet came from our Innovate Gateway Strategy, which looked specifically at the Gateway area where most of our mixed-use buildings will likely go in the future. Our Council approved that plan to require 1,000 square feet maximum average living area within mixed-use buildings. That's intended to drive a variety of housing types. For example, you can have a 2,000 square foot unit as long as you have a 500 square foot unit. We did receive multiple comments about that from our commission and the public and small changes to that number were proposed. We will forward those comments to Town Council but because that was language that was ultimately decided by Council, we didn't change it at this moment.
- So, you can have a 500 square foot unit and a 2,000 square foot unit as long as they're averaging around 1,000 square feet for the building itself it's, okay?
  - Correct.
- Most people who need affordable housing have bigger families.
- Regarding the Site Organization, other sections in the code say "straight at," and this section talks about "random orientation" doesn't feel consistent.
  - Included in the minor edits suggestion in the presentation, the following language was removed: "In random positions." Now the language would say, "Buildings should be oriented to avoid instances where living spaces of one structure face the living spaces of another and significantly reduce indoor privacy".
- Regarding site disturbance, I'm not an excavator, but I'm concerned it's not enough to do the construction.
  - This also applies to existing single-family residential homes. Tahoe Donner and Glenshire are nowhere near one and a half acre parcels, so this wouldn't apply because you could technically under this provision, disturb the whole area. This is specific to rural residential parcels where we have tried to be cognizant that in these areas you might want to spread out a little more and maybe have animals or have other structures on your property. We tried to find a balance where they would be allowed to do those things within reason while still maintaining the perceived open space.
  - This is an item where we will see how it plays out and if we need to amend it, we will.
- What was the percentage for 5 acres? 40%?
- 30%. That seems like you should be able to do something in that space.
- Regarding the Public Comment submitted by Sean Whelan and MWA Architects - I do not agree with the suggestion to reduce the amount of open space or common outdoor area per unit I don't think that's fair. Based on an example with the pandemic, everyone cherished their outdoor space and I wouldn't want to take that away from people. The concept is we already have a lot of open space so it cuts into the building envelope if we have to supply more. I see that and it does make it more expensive but outdoor amenities are important and play space near apartment dwellings are important because the children may not be able to go off to the trails. You're more likely to use it if it's downstairs. It builds community as well. I don't understand the shared entry.
- Brick is allowed outside the historic district, right?
  - We allow it.
- Do we have any Firewise landscaping? Are these in compliance with these standards?
- We have WUI, (Wildland Urban Interface), and yes, these are all materials that follow WUI.
- The regular Development Standards address night sky and ridgelines.
- Regarding the decarbonization- for construction that doesn't fit in ODS that fits in the building and energy code.
- Has the Jibboom Street project been submitted?

- No, we do not have a formal application for that project yet. It was included as part of a public comment in the 2040 General Plan process but since we don't have the project in front of you, we can't talk specifically about that project.
- Coburn Crossing has gable roofs, correct?
  - They have shed roofs and tiny gables also.
- Regarding the rolled steel comment- it wasn't listed as an acceptable material for multi-family dwellings.
  - Rolled steel is an approved material listed within the Exterior Cladding Materials section.

**Commissioner Cavanagh made a motion that was seconded by Commissioner Taylor to adopt Resolution 2023-12 with the following changes:**

- Incorporate a standard to limit additions of legal non-conforming single-family dwellings in side yard setbacks to up to one additional story or 12 feet (Section 18.30.120.F.7.c);
- Minor clarifying edits to the Design Guidelines (Chapter 18.24) and Hillside Development Standards (Section 18.36.040);
- Allow rooftop decks on single-family residential dwellings, except on the top floor, and on multi-family residential;
- Remove the requirement limiting the quantity of roof types allowed on a building, under Section 18.25.060.E.1.c (Multi-Family Massing and Articulation, Roofs and Rooflines);
- Under Section 18.25.080.B.3.a (Multi-Family Colors and Materials, Exterior Cladding Materials), change the sentence "Brick may be applied to the ground floor of the structure and shall comprise up to 50% of the building façade" to "Brick may be applied to the ground floor of the structure up to a maximum of 50% of the building façade"; and
- Add a tangent line in the figure depicting Curvilinear Lot Frontages
- Grammatical copy edits and minor edits to ensure clarity and consistency between the Design Guidelines and Objective Designs Standards.

**Additionally, the Planning Commission requested forwarding its comments to the Town Council regarding the 1,000 s.f. maximum average living area requirement.**

**The motion passed and carried the following vote:**

**Ayes:** Chair Clarin, Commissioner Cavanagh, Commissioner Taylor

**Noes:** None

**Abstain:** None

**Absent:** Vice Chair Gove, Commissioner Fraiman

## **8. Staff Reports**

None

## **9. Information Items**

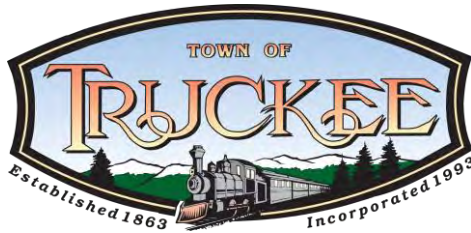
Next month's agenda will potentially include the Tahoe Donner Ski Lodge and Development Code Amendments.

## **10. Commission Member Reports**

- Used the new bikeshare over the weekend. Very excited about it. Concerned people do not use helmets on these bikes and want to see what we can do to change that.
- Also used the bikeshare program.

- 11. Adjournment. 7:16 PM** To the next meeting of the Planning Commission, August 15, 2023, at 5 PM at 10183 Truckee Airport Road, Truckee, CA 96161.

*Kayley Metroka*



## Planning Commission Meeting Minutes

August 15, 2023, 5:00 PM

Town Hall – Trout Creek Room | 10183 Truckee Airport Road, Truckee, CA

**1. Call to Order** 5:02 PM

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

**3. Pledge of Allegiance**

**4. Public Comment:**

Chair Clarin opened Public Comment.

Seeing none, Chair Clarin closed Public Comment.

**5. Approval of Minutes**

**5.1 July 18, 2023 Minutes**

Due to a lack of quorum, Commissioner Taylor made a motion that was seconded by Commissioner Clarin to continue the July 18, 2023 Minutes to the next Planning Commission meeting. The motion passed and carried the following vote:

**Ayes:** Chair Clarin, Commissioner Fraiman, Commissioner Taylor

**Noes:** None

**Abstain :** Vice Chair Gove

**Absent:** Commissioner Cavanagh

**6. Public Hearings (Minor Review)**

**6.1 Planning Commission Training**

**Commissioner's Strengths:**

- Commissioner Clarin: Woo, Communication, Achiever, Activator, Arranger
- Commissioner Fraiman: Positivity, Woo, Includer, Command, Achiever
- Commissioner Gove: Ideation, Activator, Futuristic, Intellection, Belief
- Commissioner Taylor: Arranger, Learner, Relator, Adaptability, Individualization

**Four Domains of Team Strength:**

- Influencing: Mitch, Dan
- Relationship Building: Dan, Sami
- Strategic Thinking: Dave
- We have seen Commissioner Gove's domain of strength when he was chair by always thinking about the future.

- In meetings, Commissioner Fraiman always walks through what an applicant has done well in that specific project.
- Commissioner Taylor is an arranger, so she is good at seeing where the pieces fit in for maximum productivity.
- Do you feel like these are accurate?
  - Yes.
  - We would like to see the staff's strengths.
- Yes, we can send that to you.
- Council did this same exercise and it helped them understand their team a little more so you can function at the highest level as a Planning Commission.
- We want you to think about your domains and ask yourself the following questions:
  - Which domain is most dominant for you?
  - In which domain are you least dominant?
  - Have you been maximizing your dominant domain?
  - Have you been "blind" to any of your less dominant domains?
  - How can you use this information as a Planning Commissioner?

### **Planning Commission Role**

- State law mandates a "planning agency".
- The Planning Commission has the below duties:
  - Reviews the General Plan and revises as necessary and implements the General Plan through administration of specific/master plans, zoning (rules and regulations), etc.
  - Act as an advisory board to Council on all planning and development issues.
  - Advocate for the best interests of all community members re: land use and development policy and projects.
  - In this coming year, since we just adopted the 2040 General Plan, you are going to see more Development Code amendments come forward.
  - We also put in our Capital Improvement Plan for the next five years to revisit the Hilltop Master Plan. That is something else the commission would be reviewing and making suggestions.
  - You have a very impactful role as a Planning Commissioner.
- Can I sit on that plan?
  - You can probably sit on a working group, but not making decisions on it because it will come in front of you. But you might be conflicted out because of where you live. We will look into that.
- Everything you make decisions on is appealable.
- I attended another Planning Commissioner training by PlaceWorks and it was really good. It was interesting because it was canceled due to winter weather so there was a lot of attendance and lots of different types of planning issues and concerns. I encourage my fellow commissioners to attend one if they have the time and get the chance.

### **Meeting Procedures**

- Resolution 2019-14 includes the following:
  - Start/end times.
  - Agenda/hearing format.
  - Chair/Vice Chair election, which is done in March.
  - The Chair is responsible for conducting the meeting, maintenance of order and decorum.
  - Attendance- if you have three consecutive unexcused absences then technically the chair should go to the council member of the commissioner and the council member should choose another commissioner.
  - Voting – you must vote unless you are "disqualified for cause."

- One of the reasons we are bringing this up is because Council is going to make change on how their boards and commissions operate.
  - What kind of changes?
- They want to talk about how their boards and commissions operate, attendance, the norms, etc.
- Regarding the code of ethics – Council is looking to change their process of how they appoint to the Council voting on the appointments, appointed serve the Council, versus an individual councilmember. In the past they have asked for an open application process. They are looking to change the process to the application coming to all of the council members and then taking the application to a Town Council meeting and having the applicant answer any questions on the podium, then voting as a council on the dais at a public meeting. This also means whoever is appointed is appointed to the entire council, not an individual councilmember.
  - That could cause very strange scenarios.
- Apparently, this is the most common way to appoint in other jurisdictions.
  - The Council came up with this idea?
- The Council talked about that they've had a variety of ways to get more applicants so Judy and Jen went out and looked at how other jurisdictions are doing it. Jen said out of all the places she's worked this is the process used.
- This will be considered at the next meeting, Tuesday August 22<sup>nd</sup>.
- If you have positive or negative feelings about this, you can talk to your council member.
  - What if someone submitted but a member of the council has a problem with them, and they have to turn them down in public. That doesn't seem right.
  - If they make it hard to become a commissioner, no one is going to do it.
  - I think they are already low on applicants.
  - How do you feel about this?
- I think Council is trying to let the public be part of the process.
- I think there's pros and cons to both, and until we've done it, I don't know if it will be good or bad.
- Where did this come from?
- It came from Council's teambuilding.
- If you feel like things aren't working for you as a commission, we can always bring back this resolution.

### **Staff Norms**

- Let Kayley know if you cannot make the meeting because she is our keeper of a quorum.
- Email through your townoftruckee.com account only. We do this for a couple of reasons. We have set up distribution lists to your town email only. Also, you do not have to worry about public records. When you have something sent to your personal email, it opens up your whole personal email to a potential public records search if we get records request. A good lawyer will go after your personal emails.
- We encourage you to ask questions ahead of time and directly contact the planner associated with the project.
- If you are under a time crunch, please use Denyelle or Jenna as a backup.
- It is different for Council, they are only supposed to contact department heads, that is their norm.
- We as staff, will be better about the agenda communication. When we release a public notice on a project we will make sure to send that to you as well.
- We are going to do a more consistent update with Council about the active projects we have.
  - Why do we have to wait until a project is fully baked to have a look at it?
- Our role is to help the applicants have success before they go in front of Planning Commission or Council. We work with our applicants by trying to pickoff any

inconsistencies before we take it to a commission. We always tell our applicants that our goal is to get you to where I am submitting it in front of the Planning Commission.

- In the past, projects that are half baked do not have the same amount of success.
- Do you want to see things earlier?
  - Yes, I would like to see on a regular basis what is deemed a complete project and what is potentially coming.
- For staff, “complete” means nothing. The completeness is based on the Application Submittal Checklist.
- Once it’s complete, we call it a two week routing period and we send it to all agencies and wait to receive comments back, then engineering reviews it and we see what it is missing and what it needs to be complete.
- What do you want, updates on applications that are ready to be processed?
  - We have people who reach out and ask about their project and we never know what they are talking about. It feels like we should know more about open projects.
  - It feels like there should be a portal to observe. The processing timeline.
  - The public wants to see the status of their projects.
- Our software doesn’t have that capability right now. Hopefully in the future we will.
  - We cannot stop the public looking up our information and reaching out to us regarding their project, and I never seem to know what they are talking about.
- The challenge is- what amount of information would you want so you can continue in that conversation rather than saying you are not involved in it and tell them to contact the project planner.
  - I don’t disagree.
- We are very communicative as planners.
  - It seems like there should be a portal for us to observe and see what applications are in.
- So, you would like to view the processing timeline?
  - Yes.
  - I like getting the building department issued list; but that feels more fun than important information.
- Telling staff your conflicts of interest ahead of time is very helpful to us and being careful of Ex parte conversations.
  - What does Ex parte mean?
- It means having conversations with someone affiliated with the project out of a meeting. It translates to “for one party”.
- To protect yourself, disclose it publicly so it doesn’t get used against you.
- The last item on the Norms list is No Serial Communications which is as Mitch talks to Sami, and Sami talked to Dave. So now you have three people who are involved in a conversation that is coming to the Commission.
  - Isn’t that the Brown Act?
- Yes, it is. If you have a question you are concerned about, pick one commissioner and talk to that one so you don’t have any issues.

## **Land Use 101**

### **Objectives:**

- Opportunity to improve our grasp of land use law and planning practice.
- Opportunity to understand how the process really works, contrast projects, and discuss the process.
- Get us working as a team (even if we disagree or want changes) for the benefit of Truckee’s future.

### **Approach:**

- Land Use legal framework.



- How application processing works and what can lead to success and what can create challenges.

### **Land Use Topics**

- Evolution of Land Use Regulations
- General Plans
- Zoning
- Subdivisions
- CEQA
- Housing Crisis Act of 2019
- Hearings
- Vested Rights
- Takings and Exactions
- Judicial Review

### **Police Power:**

- You will hear this term thrown around a lot.
- The California State Constitution grants Police Power to Cities and Counties. The State possesses the constitutional power to regulate for the purpose of protecting the public health, safety, and welfare.
- The scope of regulation evolves over time.
- Case law, over time, will determine a city's limits of its Police Power.

### **Balancing Constitutional Interests: Police Power vs. Private Property Rights**

- Cases that matter get “published”, those are the ones that a court publishes their decision and that is what changes the force of Police Power in the State of California.
- Subdivision Map Act: Regulates the subdivision of physical land in the State of California. We have a Subdivision Ordinance that largely mirrors the state law.
- That law is currently being changed on an annual basis.
- We typically rely on our town surveyor to help with antiquated maps.

### **General Plans**

- You all just spent a lot of time approving our General Plan. The adopted General Plan will keep us busy for the next 15 years.

### **Zoning**

- How we organize and categorize land in the town.
- It is largely up to us how we zone land in the town.

### **Types of Permits that come before Planning Commission:**

- Conditional Use Permits
- Variances
- Design Review
- Non-Conforming Uses
- Interim Ordinances
- Conditional Zoning
- Planned Unit Development, we call that a Planned Development
- Is the CUP and MUP the same thing?
  - Yes. It is kind of like how we call our code the Development Code and other jurisdictions call theirs the Zoning Ordinance. They are the same thing.

### **Subdivisions:**

- Parcel Maps
- Tentative Maps vs Final/Parcel Maps
- Vesting Maps – we don't see these very often. These basically lock in the regulations at the time that map was approved. We need the building envelope for this one.
- Conditions to Tentative Map
- Approvals

### **Environmental Review aka CEQA:**

- The main purpose of CEQA is public disclosure of the impacts of a project.
- It doesn't give us the ability to regulate in a different set of regulations. It is only about identifying the impacts of a project and publicly disclosing them.
- This is where most land lawsuits originate in planning.
- It is very easy to challenge a project based on CEQA.
- Not a new source of Regulatory Power.
- CEQA isn't regulatory?
  - It's not giving us a subdivision map act where we can require things of the applicant. This is disclosure and then identification of impacts and ways to mitigate them. It gives you the power to say this mitigation is inadequate and you need to do the following or more. It doesn't give you another set of California regulations you can impose.
- So, we can't say, "You can't build here because there are deer crossing"?
  - You can say, "There are deer that cross here so we need to come up with a mitigation to minimize the impact to the deer".
  - It is like daylighting that it has been looked at and there has been a mitigation.
- There are different CEQA documents available, such as:
  - Golden Rule
  - Statutory Exemptions
  - Regulatory Exemptions
  - Negative Declarations
  - Environmental Impact Reports – this is normally a year round review.
- There are tiers of CEQA and we are all subject to it unless it is a staff level decision.

### **Mitigation:**

- CEQA requires avoiding the impact if possible.
- If that isn't possible, you minimize the impact by limiting the degree or magnitude of the action.
- If you fill a wetland, you may have to recreate a wetland somewhere else that is larger and mimics the function of that wetland.

### **EIR Variations:**

- Program vs Project EIRs
- Subsequent or Supplemental
- EIRs
- Addendum to an EIR – this is once you have an adopted EIR there are ways to make minor changes after the fact. You saw an addendum when reviewing the Soaring Ranch project.
- The big part of CEQA and what gets challenged are the "findings". You start by identifying the impacts, disclosing them, you have all your mitigation measures, then within an EIR you look at alternatives, and then an overriding consideration is made where you basically say you accept the impact and make a series of findings.

### **CEQA Reform:**

- CEQA is now over 50 years old, so it is not necessarily working.

- Regarding housing, the state is bypassing CEQA.
- VMT (vehicle miles traveled) vs. Level of Service. Now, we look at how many miles are created by a project and the more miles that are created, the worse it is.
- We do have some control over CEQA.

### **Housing Crisis Act of 2019:**

- Impacts “Affected Communities”.
- Protects existing densities.
- Limitation on the number of public hearings. There is now a cap on this.
- What does “limitation of non-objective design standards mean?”
  - It means a developer shall strive to maintain community character in their housing projects.
- From what I understand, you don’t have to use the Objective Design Standards?
  - We have been very creative and have come up with an alternative option here in Truckee.

### **Hearings and Procedures:**

- Pre-hearing Lobbying
- Legislative vs. Adjudicatory
- Decisions
- Burden to make the record
- If someone is unhappy with your decision, someone cannot just sue us. They would have to exhaust their administrative remedies.
- I have the same restrictions as my role as Zoning Administrator. I can also raise it to Planning Commission to review.
- Related to Public Comment – last month we had time to address Public Comment during the meeting, how do we address that when we receive a lot of Public Comment?
- In past meetings when we have had a lot of comments going in one certain direction, I have acknowledged the consensus of the comments during the meeting.

### **Findings:**

- One of the biggest duties you have is to make findings to approve or deny a project.
- Adequate findings explain the “how” or “why”.
- You cannot just deny a project because you have concerns, you have to state the finding and why the finding does not comply with something, like the General Plan for example.
- If we are hearing that you are all leaning towards denial, we can help you to voice the findings or give you more time to write up the findings.

### **Vested Rights:**

- Pre-hearing Lobbying
- This means their approval gets locked in at the time of approval.

### **Takings:**

- Very explicit law called the Agins Test – if we do take someone’s property, the most common remedy to that is to pay them for damages.

### **Exactions:**

- Land, fees and use restrictions.
- This is the mitigation fee act.

### **Judicial Review:**

- This is basically if someone isn’t happy with a decision the town has made they can pursue litigation.

**The Process:**

- Informal advice vs. pre-application
- Completeness/incompleteness and time/cost equation for developer
- Developer/applicant conversations
- Complete application
- Planning staff initial review, development review team
- Routing to other agencies
- Meetings and interactions
- Public hearing (i.e. The Decision)

**The Truckee Way:**

- Clear Priorities
- Non-Adversarial Decision Making
- Community Outreach & Transparency
- No Surprises

**Stakeholder Interests:**

- Developer, landowner, applicant
- Applicant's entitlement team
- Neighbors
- Environmental, historical, social justice, affordable housing and other "policy" interests.
- Other competing businesses or developers.
- All citizens: Represented by General Plan and Development Code and workshops/meetings.
- Lawyers
- Staff, Planning Commission and Council

**Proponents & Opponents:**

- Selected information, selected arguments.
- The need for more study – delay is good.
- Staff is not being objective; they are biased toward the objective.

**Contrasts between projects "Teflon Highway" vs. "Pothole Alley"**

- Why do some projects go through easily and why do some get stuck?
- Do you share this information with applicants?
  - When people call us, we do try to encourage Pre-Applications.
- Examples of projects that took the "Teflon Highway" route are the Dixon Realty and High Altitude Fitness projects. These projects paid attention to the rules, complied, hired teams that knew the rules to get them approved and they weren't trying to get out of building housing, so these projects were quick and relatively inexpensive and were approved seamlessly.
- Examples of projects that took the "Pothole Alley" route are the original Grocery Outlet and the former High Altitude Fitness. These projects were inconsistent with the General Plan and the Development Code. They didn't comply with housing requirements. These projects were churning for two and a half years and the other 14 months. When they turned it around and complied with the requirements, these projects got approved within 2 months and 5 months.

**Group Discussion**

- Now that the General Plan is behind us, everything you will see coming forward will be subject to the new plan.
- We are seeing a lot of public engagement with current projects.
- The public perception of the planning department isn't great. How do we change that?

- Some of the conversations I have had with people who want to bring projects to the town that work across the country and state, say that Truckee is the hardest. How do you communicate the “Teflon Highway vs. Pothole Alley” ahead of time to manage their expectations?
  - We work really hard to do that but it doesn’t always resonate.
- There is a disconnect there.
- The perception is that the Town is not trying to help people but purposely blocking them.
- I have heard that also. I have heard there is a culture of putting up roadblocks to prevent them from getting their projects approved.
  - On the other side, we hear from the community that we are allowing too much development.
  - Our job is to uphold the regulations.
  - Doug Wiele is a good example because he has done work in many other jurisdictions, and he has said what he likes about Truckee is Truckee’s high standards for itself. Not just specific to planning but also as a community.
- What are his projects?
  - He currently has the Market Place and Station project in the Railyard Balloon project. He also worked on the Crossing.
- Is that a grocery store?
  - It will be.
  - It is interesting because I have hosted a developers’ forum before and we had about 15 different representations in the room, and we asked what their perception of working in Truckee was overall. They appreciated being able to voice their concerns. The takeaway of this forum was a lot of the projects were ones that just didn’t comply. We were trying to strategize how to avoid that, and we have been having more conversations with the applicants on these larger projects.
  - I think it’s hard for people to see us as both the regulator and the facilitator. We are trying to help find that path, but we also have rules that we have to uphold.
- Anytime you are enforcing a rule, someone is going to have an issue with it.
  - More specific to building- we have talked with Engineering about trying to submit a BMP plan and they created a “how to” video so applicants don’t get a correction on that. As things come up, we try to find ways to help people understand that some things we do here are different than other jurisdictions and we don’t try to be difficult, we are just different. A lot of cities chase sales tax dollars, and we don’t.
  - We wear a lot of the General Plan and the Development Code that our decision makers have adopted. We are implementing that.
- Do you guys feel like your armor is always up so you’re oblivious to the negative comments about the CDD?
  - We hear it, and every time we do, we try to self-reflect and ask ourselves if we made a mistake, were too hard, implemented a rule improperly. We listen and try to do better next time.
  - We get a lot of applications submitted that are so far from being brought to Planning Commission to make a decision on. We spend a lot of time behind the scenes helping applicants get to a place of an approvable application.
- How often do you hear the public complaining about new approved projects?
  - We see it on social media.
  - There’s a lot of misunderstanding about what our profession does and it is hard to educate the public about what is real.
  - When there are specific examples of an issue, that is helpful for us to pinpoint and try to fix it if possible. For example, when we were behind on building permits, our solution was getting more staff and looking at changing our current process and when we did that, we were able to make it more efficient.

## **7. Public Hearings (Minor Review)**

**8. Public Hearings (Major Review)**

**9. Staff Reports**

None.

**10. Information Items**

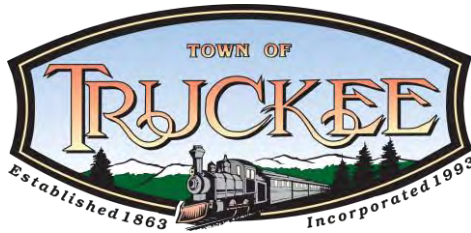
None.

**11. Commission Member Reports**

None.

**12. Adjournment** at 7:24 PM To the next meeting of the Planning Commission, September 19, 2023, 5:00 PM at 10183 Truckee Airport Road, Truckee, CA 96161.

Kayley Metroka



## 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

Item 5.3

**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.

**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 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 w 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 cr 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 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:**

<b>Ayes:</b>	Vice Chair Gove, Commissioner Fraiman, Commissioner Taylor
<b>Noes:</b>	None
<b>Abstain:</b>	None
<b>Absent:</b>	Commissioner Cavanagh



**8. Staff Reports**

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

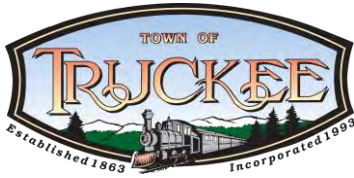
**9. Information Items****10. Commission Member Reports**

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*



Meeting Date: October 17, 2023

To: Town of Truckee Planning Commission

From: Laura Dabe, Associate Planner

RE: Pioneer Commerce Center Building K-4 Development Permit and Zoning Clearance (Application #2023-0000107/DP-ZC); APN 019-700-025 (No Address Assigned); Applicant/Owner: Ciro Mancuso, Hidden Lake Properties, Inc.

Approved by: Denyelle Nishimori, Community Development Director

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**Recommended Action:** That the Planning Commission adopt Resolution 2023-14, taking the following actions:

- 1) Determining the project categorically exempt from CEQA per Section 15332 of the CEQA Guidelines (In-Fill Development); and
- 2) Approving the Development Permit and Zoning Clearance, subject to the recommended conditions of approval.

**Project Summary:** The applicant is requesting land use approvals for the construction of Building K-4, the remaining unconstructed building in Pioneer Commerce Center Phase II. The Phase II project was approved in 2005, allowing construction of 11 buildings and related site improvements; four of the buildings were constructed prior to expiration of the Development Permit in 2007. The Planning Commission approved a new Phase II Development Permit in 2016 to allow buildout of buildings K-1, K-3, K-4, H, L and M, and approved subsequent modifications to the 2016 Development Permit in 2017 and modifications to the Pioneer Commerce Center Planned Development in 2019. To date, all of the buildings within Phase II have been constructed with the exception of Building K-4, which was previously approved as a boat storage building.

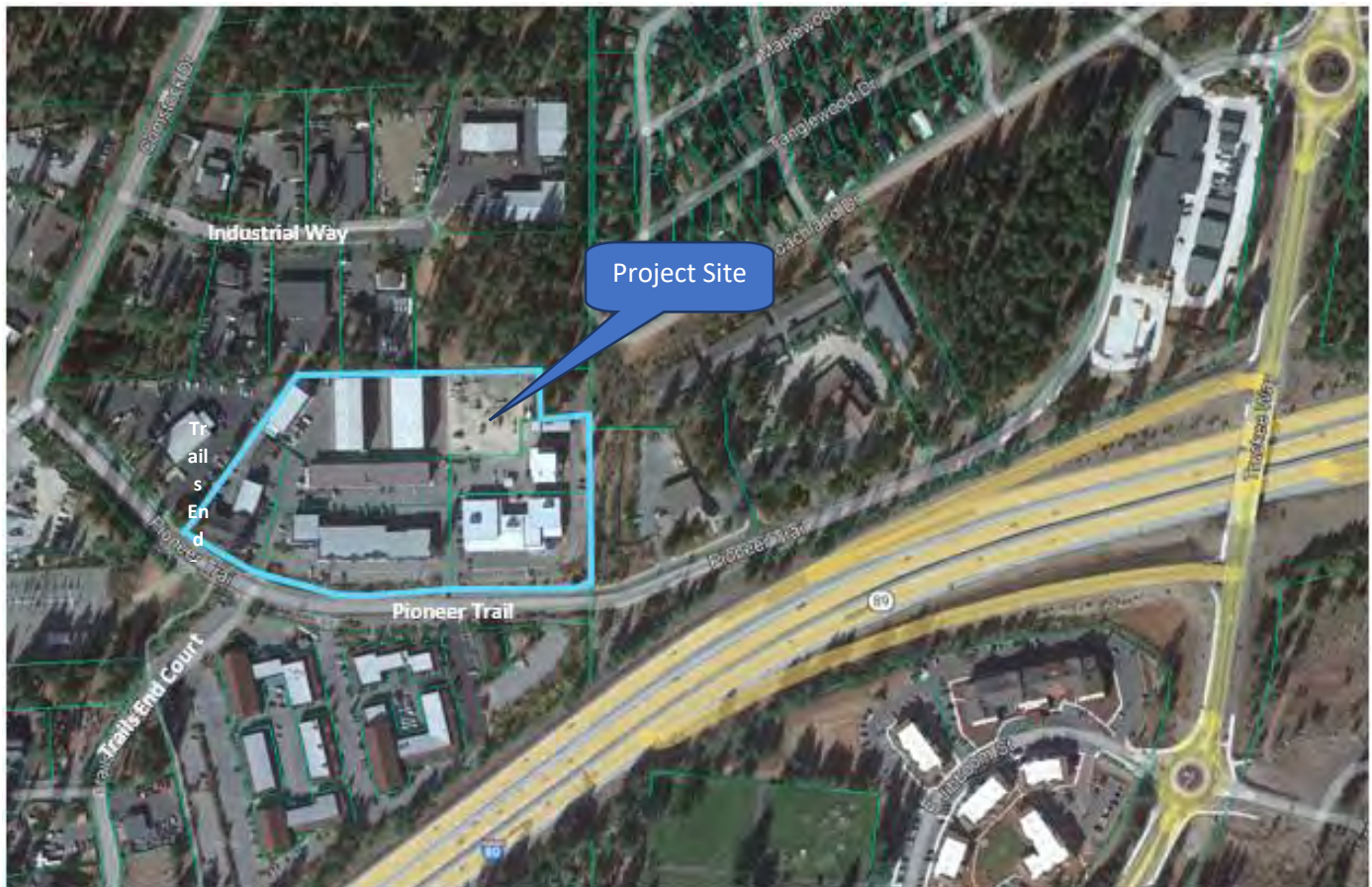
Due to the fact that the entitlements for the remaining Phase II building (Building K-4) have lapsed, the applicant is requesting new land use approvals for the construction of Building K-4. The following entitlements are requested as part of the current application:

- **Development Permit** for non-residential projects that involve new structures or additions to existing structures with a gross floor area of 7,500 square feet or more and/or site disturbance of 26,000 square feet or more; and
- **Zoning Clearance** for a boat storage building, a commercial parking and vehicle storage use, which is a permitted use in the M (Manufacturing) zoning district pursuant to the Pioneer Commerce Center Planned Development (Planning Commission Resolution 2019-10).

The proposed boat storage building is 11,840 square feet in size and 50 feet tall. A reduction in the building square footage from the 2016 approval is proposed (from 12,800 square feet to 11,840 square feet). No other changes to the previously approved site plan are proposed.

**Planning Commission's Role:** As the review authority for the proposed project, the Planning Commission's role is to review the proposed development for compliance with the Town's policies and standards, including consistency with the Development Code and 2040 General Plan.

**Location/Setting:** Pioneer Commerce Center is located west of the Pioneer Trail/Donner Pass Road intersection, within a developed industrial subdivision. The Phase II project is located on the north side of Pioneer Trail, near the intersection with Comstock Drive (APNs 19-700-17, -18, -19, -25, -26 and -27). The project site is located in the M (Manufacturing) zoning district and the Industrial land use designation of the 2040 General Plan.



**Figure 1: Project Location**

**Project Site Information:**

General Plan Designation:	Industrial
Zoning District:	M (Manufacturing)
Parcel Size:	4.88 acres
Proposed Utilities:	Public water; no sewer connection proposed

**Discussion/Analysis:**

**Background**

Pioneer Commerce Center was approved in 2001 (Town of Truckee Application #00-111a), with subsequent land use permits approved in 2002, 2003 and 2005 for additional phases of development and/or subdivision. The center consists of three phases (Phases I, II and III). Phase I is located south of Pioneer Trail and includes a total of five constructed industrial/office buildings. Phase II is located north of Pioneer Trail and consists of a total of nine buildings (including industrial buildings, a fitness gym, and a nine-unit apartment building). Phase III is located along Trails End Road, which is accessed off of Pioneer Trail, and is an industrial subdivision consisting of 17 lots.

Phase II was approved in 2005 through approval of a Development Permit and Planned Development (Town of Truckee Application #00-111b). All buildings within Phase II were approved as part of the Development Permit and the applicant had a total of two years to initiate the permit and four years to complete construction. A total of 11 buildings were approved with the 2005 Development Permit; however,

only four of the buildings were constructed prior to expiration of the Development Permit in 2007. In a new Development Permit was approved to allow construction of the remaining buildings (reduced at that time from six buildings to five). A 10-year timeframe was requested by the applicant to allow a phased buildout of buildings K-1, K-3, K-4, H, L and M (Town of Truckee Application #2016-00000035, Resolution 2016-13). Construction of Building K-1 was completed in 2017, and construction of Buildings K-3 and L was completed in 2018.

In September 2017, the Planning Commission approved a Project Amendment application which requested modifications to the 2016 Development Permit approval to increase the size of Building H, approve use of the building as a standalone fitness gym, and allow for construction of Building M as a nine-unit apartment building (Town of Truckee Application #2017-00000052, Resolution 2017-16). An amendment to the Planned Development for Pioneer Commerce Center was required to remove the size limit on floor space for health/fitness facilities and a Lot Line Adjustment was required to adjust the parcel boundaries to accommodate the proposed modifications to Buildings H and M. In May 2019, the Commission approved a Planned Development Amendment to increase the maximum floor area allowed for restaurants under the Planned Development (Town of Truckee Application #2019-00000050, Resolution 2019-10). Construction of Buildings H and M was completed in 2021.

Due to the fact that the entitlements for the remaining Phase II building (Building K-4) have lapsed, the applicant is requesting new land use approvals for the construction of the last Phase II building.

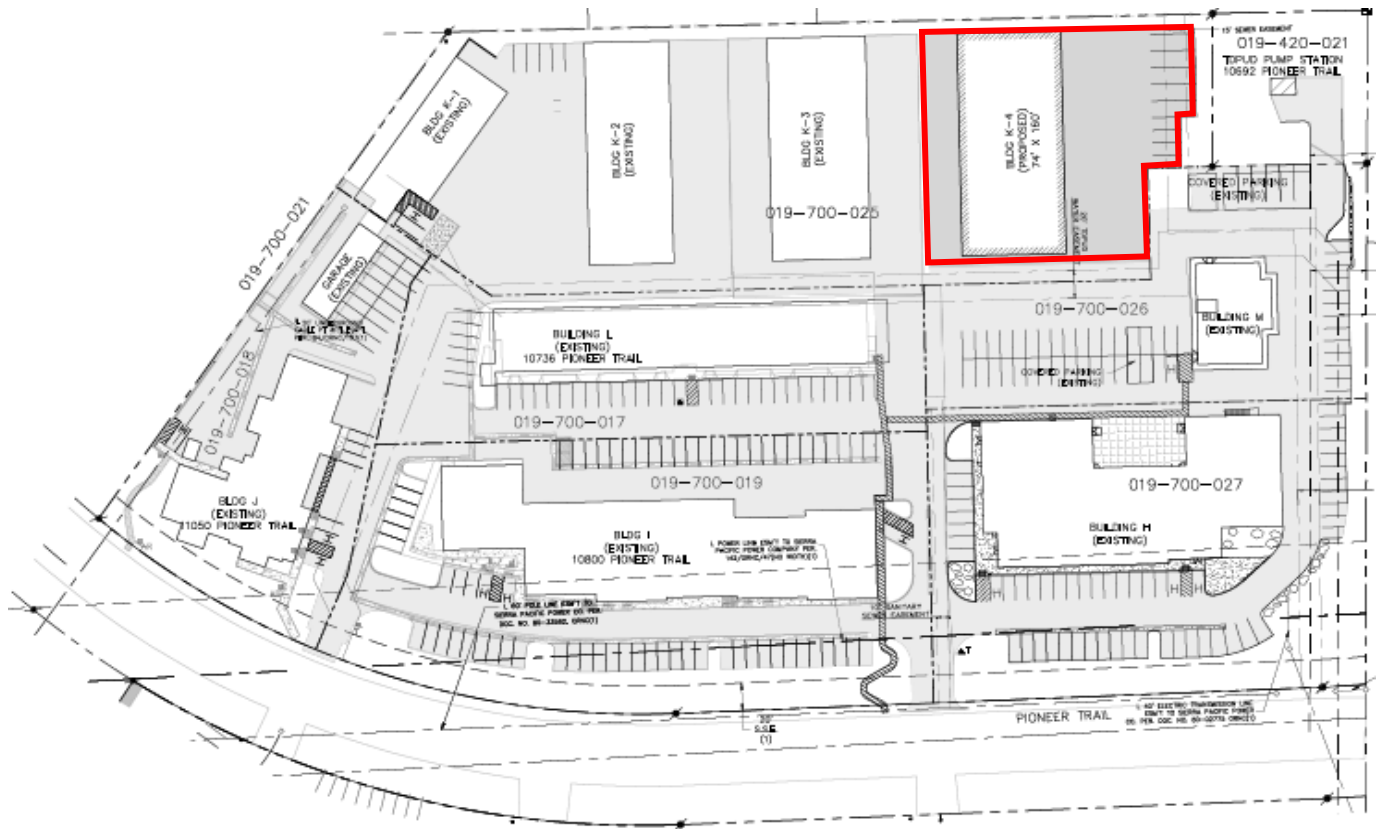


Figure 2: Phase II Site Plan with Location of Proposed Building K-4

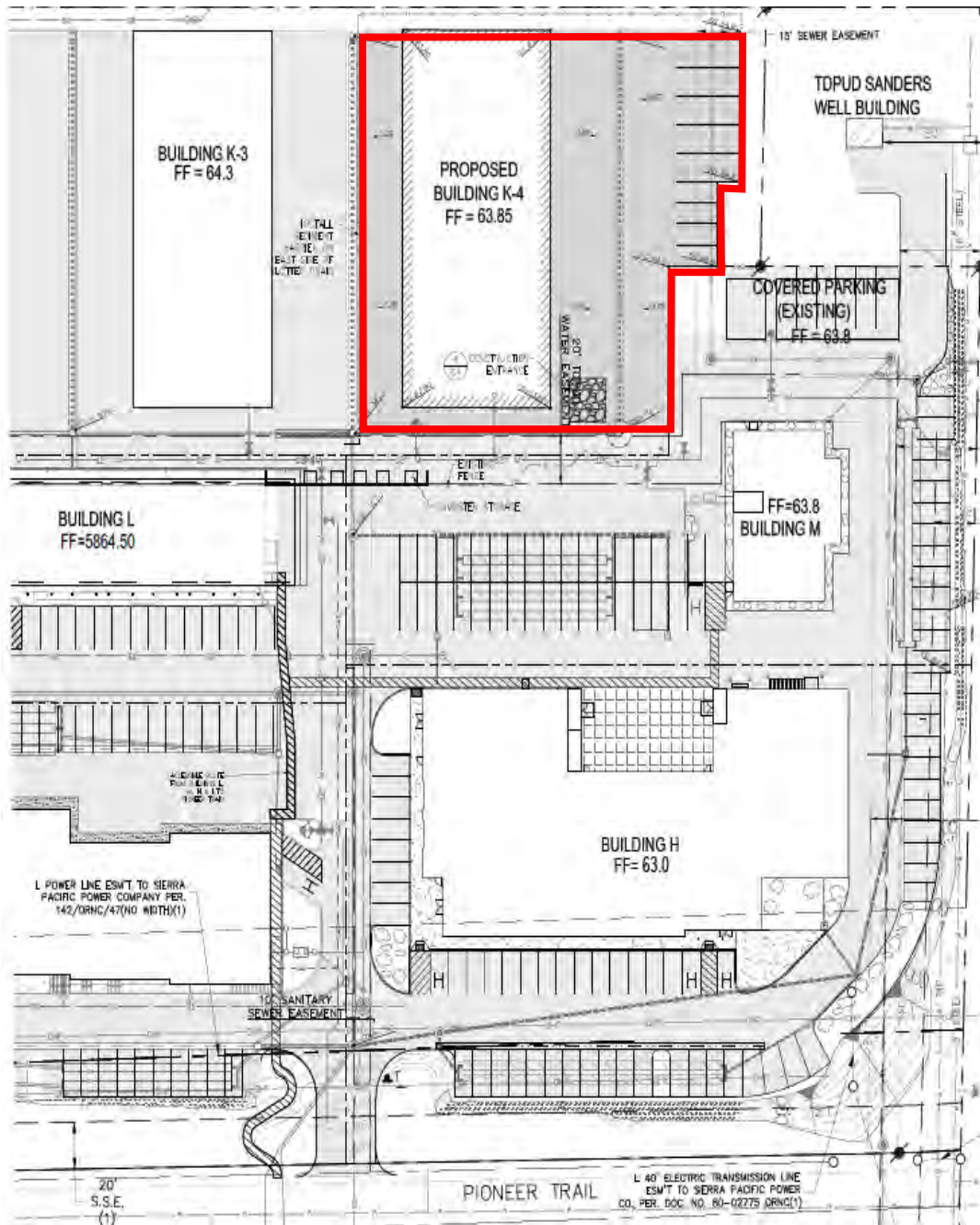
### Project Description

The current application requests approval of a Development Permit and Zoning Clearance to re-approve Building K-4, a proposed boat storage building that is 11,840 square feet in size and 50 feet tall. The size of the proposed building has been reduced in size from the 2017 approval (from 12,800 square feet to 11,840 square feet). No changes to the previously approved building architecture or site design are proposed, including the amount of impervious coverage, number of parking spaces, stormwater and



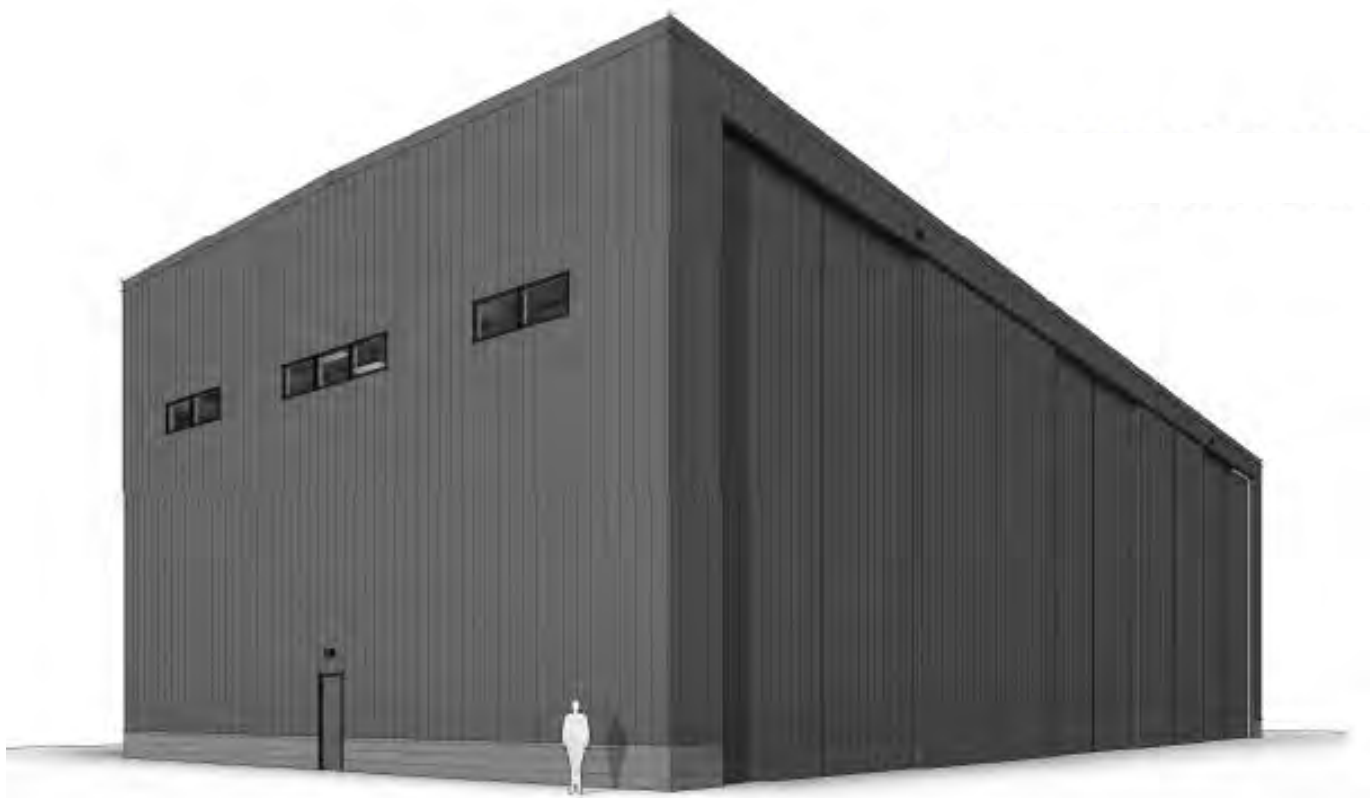
drainage system, utility systems, solid waste system, landscaping, lighting or signage programs (Attachment #1, Exhibit A for the proposed architectural and site plans.)

The proposed site plan is included below a Figure 3:



**Figure 3: Proposed Site Plan**

As noted above, no changes have been proposed to the architecture of the building. With the exception of Buildings H and M (approved in 2017 as a fitness gym and residential apartment building), all of the buildings in Phase II are utilitarian in nature and used for industrial purposes. An elevation of the proposed building is included below as Figure 4:



**Figure 4: Proposed Building Elevation**



**Figure 5: Photo of Existing Boat Storage Building**

## **Land Use Approvals**

### Development Permit

The applicant is requesting Development Permit approval for development of more than 7,500 square feet of floor area and cumulative disturbance of 26,000 square feet or more. In reviewing Development Permit applications, the focus is on site layout and site/building design to ensure the best utilization of a site as well as compatibility with surrounding properties. As previously noted, the prior Development Permit for the remaining buildings in Phase II expired in 2020. This Development Permit is needed to allow construction of the remaining building. A total of 11,840 square feet of new floor area is proposed, whereas 12,800 square feet square feet was approved in 2016.

### Zoning Clearance

In 2005, a Planned Development was approved to allow a wider range of uses within the Manufacturing zone district in Phase II. This Planned Development was most recently amended in 2019 under Commission Resolution 2019-10. This approval remains in effect today and no changes are proposed with this application. Under the existing Planned Development, “commercial parking and vehicle storage” is a permitted use with approval of a Zoning Clearance.

Each of the above land use entitlements has required findings that must be made in order for the Commission to approve the project. The required findings are addressed in Draft Resolution 2023-14, Exhibit C (see Attachment #1)

### **General Plan Consistency**

The Pioneer Commerce Center project was initially approved under the 1996 General Plan, prior to adoption of the 2025 General Plan. The 2016 Development Permit approval was analyzed for consistency with the 2025 General Plan. On May 9, 2023, the 2040 General Plan was adopted. The below text summarizes policies in the 2040 General Plan which are relevant to this project. Many of the previous policies which focused on providing industrial uses in Truckee have not changed.

The 2040 General Plan identifies that Truckee’s industrial sector is a central component to creating a strong four-season economy by providing residents with year-round jobs and livable wages. The Land Use Element aims to support the industrial sector by providing sufficient land for new industrial development and encouraging modernization and redevelopment of existing industrial areas. The Industrial land use designation applies to existing industrial areas and to areas determined to be appropriate for new industrial development based on their proximity to existing industrial development and major transportation facilities, as well as their distance from potential land use conflicts. The designation allows a broad range of industrial uses, including manufacturing, processing, warehousing and distribution, with a maximum FAR of 0.35.

Several goals and policies are identified within the General Plan Land Use and Economic Development that establish a framework for this site. Goal LU-4 is aimed at supporting a strong, diverse, four-season economy by maintaining a robust industrial and maker base that provides jobs for residents and is compatible with surrounding uses. Goal ED-2 aims to foster business retention and expansion efforts in key economic sectors. The following policies therefore apply:

- Land Use Policy 4.1—Ensure adequate industrial land to support a four-season economy and to facilitate relocation of existing industrial uses outside of West River District.
- Land Use Policy 4.3—Ensure the primary use of industrial designated lands is for industrial and discourage the development of commercial or office uses within industrial designations.
- Economic Policy 2.1—Ensure the availability of sufficient manufacturing, business park and light industrial space to support the resilience and diversity of local businesses in key economic sectors.
- Economic Policy 2.2—Encourage entrepreneurship and local business ownership.
- Economic Policy 2.5—Support the retention of Truckee businesses that provide resident serving



Since its development, the Pioneer Commerce Center has functioned as one of the primary industrial centers within the town. The continued buildout of more industrial square footage achieves the Town's goals of providing adequate industrial floor area in an area designated for such uses. 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. Further, there are setbacks incorporated into the overall site plan to provide buffers between the Coachland Mobile Home Park and the adjacent industrial buildings. Light fixtures are required to be fully shielded to ensure there are no light trespass impacts on the mobile home park. Buildings situated along Pioneer Trail exemplify a higher-level aesthetic and allow the Center to integrate within the adjacent neighborhood. The continued buildout of more industrial square footage will provide a wider range of options for industrial uses within the town, including the new building which will be used for boat storage, consistent with the existing buildings located within Phases I, II and III. While not all tenant spaces are used for high wage employers, the mix and variety of buildings supports a wide range of industrial users. The Phase II buildings are designed to be flexible in nature and can accommodate a variety of different light industrial and manufacturing uses.

The Housing Element requires that new industrial developments provide housing based on the number of jobs created by the project. This policy was in effect during approval of the project in 2005 and a combination of housing units have been constructed to comply with the Housing Element policies. Within Pioneer Commerce Center, a number of rental housing units have been constructed generally on the second floor of the industrial buildings. In addition to the rental units, a number of units within the Spring Creek residential subdivision were allocated as affordable, for-sale units. The combination of the rental and for-sale housing within the Center and Spring Creek satisfied the amount of housing within Phases I and II which was required to be provided. Because no additional square footage is proposed beyond what was originally approved, no new housing is required to be provided by the project. Phase III parcels are required to provide their own workforce housing separate from that provided within Phases I and II.

### ***Development Code Consistency***

The Development Code has been amended several times since approval of the Phase II Development Permit in 2016. However, the majority of the Development Code has remained unchanged, and many of the same development standards apply to the project, with the following exceptions:

#### Parking

Under Development Code Section 18.48.040, Table 3-8 (Parking Requirements by Land Use) the parking demand for a "warehouse and storage facilities" use is 1 spaces per each 2,000 square feet of gross floor area for the first 10,000 square feet and 1 space per each 5,000 square feet thereafter. Based on the building square footage, this would result in the following parking calculations:

- 10,000 square feet / 2,000 = 5 x 1 = 5 spaces
- 1,840 / 5,000 = 0.4 x 1 = 0.4 space
- **Total: 5 spaces** (5.4 rounded down per Section 18.48.040.A.3—Rounding of quantities)

However, as noted by the applicant team, a parking analysis was prepared in 2017 for the Phase II project and approved as part of Resolution 2017-16. The portion of the analysis related to the boat storage buildings included the square footage for Building K-4 and showed nine spaces to be constructed to the east of Building K-4. Those nine spaces are proposed to be constructed as part of the Building K-4 site improvements. These requirements are documented in draft Condition of Approval #38.

#### Bicycle Parking

The requirements of Development Code Section 18.48.090 (Bicycle Parking and Support Facilities) were updated in May 2021. The current Development Code requires short-term bicycle parking for non-residential uses at a rate of 15% of the number of vehicle parking spaces required under Section 18.48.090 as calculated before any parking reductions are applied through a Planned Development, density bonus or shared parking reduction. A minimum of three spaces is required in all cases.

Based on the parking demand of 5 spaces, as noted in the “Parking” section above, a total of 3 short-term bicycle parking spaces are required for the proposed project ( $15\% \times 5 = 0.75$  space, with a minimum 3 spaces required). The Development Code defines short-term bicycle parking as spaces intended for periods of two hours or less that are targeted to visitors, customers and other short-term users. Racks or devices that allow secure locking should be located in a visible location, as near as possible to entrances.

As noted above, no bicycle parking was required for the original Phase II project. However, the applicant has identified that the Phase II project currently provides 10 short-term bicycle parking spaces (two at the south end of Building L, two at Building M and six at Building L). Rather than construct bike parking adjacent to Building K-4, which the applicant believes will not be utilized, the applicant proposes to construct three new bicycle parking spaces on the west end of Building L. The applicant believes that bicycle parking in this location is more likely to be used.

In order to ensure compliance with the Town’s current bicycle parking requirements, staff recommends draft Condition of Approval #40, requiring the project to comply with all requirements of Development Code Section 18.48.090 (Bicycle Parking and Support Facilities), with the approval to locate the three short-term bicycle parking spaces to west of Building L, as proposed by the applicant.

### Landscaping

The Town’s landscaping requirements are provided in Development Code Chapters 18.40 (Landscape Standards) and 18.42 (Landscape Design Guidelines). The applicant has identified that a landscape plan was approved for the original Phase II project under Resolution 00-111, and that no landscaping was required for the boat storage buildings. Consistent with the previous landscape plan, the current application does not propose to install landscaping as part of the Building K-4 site improvements. The existing landscaping that was installed within Phase II is shown in Figure 5 below (required primarily along the street frontage, with no landscaping required within the area of the boat storage buildings):



**Figure 6: Existing Phase II Landscaping**

### Solid Waste and Recyclables Storage

The Town's requirements for solid waste and recyclables storage are provided in Development Code Chapter 18.30.150 (Solid Waste/Recyclables Materials Storage). Waste capacity for non-residential structures and uses is dependent on the type of occupant and is approved on a case-by-case basis in consultation with the Town's Solid Waste Division and local solid waste provider. The applicant has noted that Pioneer Commerce Center Phase II currently has a total of four solid waste storage enclosures (four for trash and one for cardboard recycling). These enclosures are located at the east end of Building L behind a screening wall/fence. The designated area is approximately 70 feet long and has capacity to accommodate at least three additional solid waste enclosures, if necessary. Staff recommends draft Condition of Approval #41 requiring review by the Town's Solid Waste Division and compliance with the current solid waste and recycling requirements prior to building permit issuance.

### Snow Storage

Development Code Section 18.30.130 (Snow Storage) requires all development projects that include off-street parking and circulation areas to provide areas for snow storage. In areas with a snow load less than 200 pounds per square foot, the required snow storage area shall equal at least 50 percent of the total parking and driveway area. At least half of the required snow storage area must be provided onsite. As part of the 2005 approval for Phase II, the applicant was required to provide a comprehensive snow storage plan prior to issuance of any building permits. The current project will be required to comply with the approved snow storage plan. The Engineering Division provided draft Condition of Approval #20 related to the Town's snow storage requirements.

### ***Recommended Project Conditions of Approval***

Staff is recommending a number of conditions of approval which were previously required during approval of the initial phases in 2005 and subsequent Phase II Development Permit in 2016. The intent of this requirement is to ensure that all previous conditions are incorporated into the project's final design. Any new development standards adopted since the initial approval have been incorporated as well. See Attachment #1, Exhibit B for the draft conditions of approval for the project.

### ***Airport Land Use Compatibility Plan Consistency***

The proposed project is located within the influence area of the Truckee-Tahoe Airport and is subject to the land use regulations of the Truckee Tahoe Airport Land Use Compatibility Plan (TTALUCP). The project is located in Compatibility Zone D. Moderate noise impacts are identified in Zone D, which the plan states are more of a concern with respect to individual loud events than with cumulative noise contours. Portions of the peak season, average day 55-CNEL contour extend into the Zone D zone. Maximum allowed densities/intensities are 150 people per acre and 600 people per a single acre. The types listed—uses that attract very high concentrations of people in confined areas—are discouraged in locations below or near the principal arrival and departure flight tracks. Hazards to flight and highly noise-sensitive uses are prohibited, and children's schools, hospitals and nursing homes are discouraged. Airspace review is required for objects over 100 feet tall and an overflight easement is required.

### ***Local Agency and Special District Review***

The application materials were routed for review by all local agencies and special districts which may have an interest in the project. Copies of all comment letters received are included in this staff report as Attachment #6. Conditions of approval related to the agency comments have been incorporated into Draft Resolution 2023-14.

**Environmental Review:** Staff recommends that the Planning Commission find the project exempt from the California Environmental Quality Act (CEQA) per Section 15332 of the CEQA Guidelines, which applies to in-fill development projects that meet the following criteria: the project is consistent with the applicable general plan designation, all applicable general plan policies, the applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare or threatened species; approval of the project would not result in significant effects relating to traffic, noise, air quality or water quality; and the site can be adequately served by all required utilities and public

services.

**Public Communication:** Notice of the public hearing was published in the *Sierra Sun* on October 6, 2023, and mailed to property owners within 500 feet of the project site, as listed on the current Nevada County Assessor Tax Roll. The applicant posted an onsite sign at the project sites indicating a notice of application and information was posted about the date and time of the public hearing. As of the date of publication of this staff report, no public comments have been received regarding the proposed project.

**Staff Summary and Recommendation:** The proposed building construction will allow completion of Pioneer Commerce Center Phase II project. Pioneer Commerce Center was initially envisioned in the early 2000s as a large-scale industrial subdivision. Over time, the Center has fulfilled the ongoing demand for industrial square footage within the town. The Center has been thoughtfully designed and well-managed and has proven to be an important asset toward maintaining Truckee's presence with respect to light industrial and manufacturing uses. New requirements have also been incorporated to ensure the project's compatibility with today's regulatory framework. It is staff's opinion that the findings necessary to approve the requested Development Permit and Zoning Clearance can be made and staff is recommending approval of the project.

**Alternative Actions:** Actions that the Planning Commission may take as an alternative to the recommended action include:

1. Continue the public hearing to a date and time certain. The Planning Commission may request additional information from the applicant and/or staff (if new information is presented at the next meeting, the public portion of the hearing must be reopened on the new information submitted).
2. Land Use Permits
  - a. Add, modify or delete conditions of approval.
  - b. Deny the project on the basis that all of the required findings cannot be made

**Attachments:**

Attachment 1 – Draft Planning Commission Resolution 2023-14

- Exhibit A: Proposed Plan Set
- Exhibit B: Conditions of Approval
- Exhibit C: Findings

Attachment 2 – Project Description/Applicant Justification Letter

Attachment 3 – Agency comment letters

**Town of Truckee  
California**

**PLANNING COMMISSION RESOLUTION 2023-14**

**A RESOLUTION OF THE TOWN OF TRUCKEE PLANNING COMMISSION  
APPROVING APPLICATION 2023-00000107/DP-ZC  
PIONEER COMMERCE CENTER BUILDING K-4 DEVELOPMENT PERMIT AND  
ZONING CLEARANCE**

**WHEREAS**, the Town of Truckee has received an application requesting approval of Pioneer Commerce Center Building K-4, an 11,840 square foot boat storage building located within Pioneer Commerce Center Phase II on Assessor's Parcel Number 019-700-015 in the M (Manufacturing) zoning district. The application requests approval of the following land use entitlements: **1) Development Permit** approval for projects that involve new non-residential structure(s) with 7,500 square feet or more of total gross floor area and/or 26,000 square feet or more of site disturbance; and **2) Zoning Clearance** approval for commercial parking and vehicle storage, a permitted use in the M (Manufacturing) zoning pursuant to the Pioneer Commerce Center Planned Development (Planning Commission Resolution 2019-10); and

**WHEREAS**, the applicant is proposing construction of the one remaining unconstructed building that was originally approved as part of Pioneer Commerce Center Phase II in 2005 (Planning Commission Resolution 2005-03) and subsequently approved in 2016 under Town of Truckee Application #2016-00000035 (Planning Commission Resolution 2016-13), which approved the construction of the remaining unconstructed buildings within Phase II and required the approved land use permits to be exercised within two years (by August 1, 2018) and for construction to be complete within four years (by August 1, 2020); and

**WHEREAS**, a Planned Development was approved in 2005 and amended in 2019 under Commission Resolution 2019-10, allowing a wider range of uses within the Manufacturing zone district, and no changes to the Planned Development are proposed; and

**WHEREAS**, the Planning Commission previously adopted a Mitigated Negative Declaration for the Phase II project; and

**WHEREAS**, the Planning Commission is responsible for the review and consideration of Development Permits; 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 2023-00000107/DP-ZC (Pioneer Commerce Center Building K-4 Development Permit and Zoning Clearance):

1. Approves a Development Permit and Zoning Clearance for the project as shown on

Exhibit "A" (Approved Plan Set) and 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 15332 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 \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ at a Regular Meeting of the Truckee Planning Commission held on the 17<sup>th</sup> day of October 2023 and adopted by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
Mitch Clair – Chair  
Town of Truckee Planning Commission

ATTEST:

\_\_\_\_\_  
Kayley Metroka, Secretary

Attachments:

Exhibit A – Approved Plan Set  
Exhibit B – Recommended Conditions of Approval  
Exhibit C – Findings

**RESOLUTION 2023-14  
EXHIBIT "A"**

**APPLICATION 2023-00000107/DP-ZC  
PIONEER COMMERCE CENTER BUILDING K-4 DEVELOPMENT PERMIT AND  
ZONING CLEARANCE**

**APPROVED PLAN SET**

*(See Attached)*



ABBREVIATIONS

ABV	ABOVE	PART	PARTITION
AC	ASPHALT CONCRETE	P	PLATE
ACOUS	ACOUSTIC	PLAS	PLASTIC
ADDTN	ADDITION	PLAS LAM	PLASTIC LAMINATE
ADJ	ADJUSTABLE	PLMG	PLUMBING
ASG	ASBESTOS	PLYWD	PLYWOOD
ALT	ALTERNATE	POC	POINT OF CONNECTION
ALUM	ALUMINUM	PROP	PROPERTY
ASB	ASBESTOS	PT	PRESSURE TREATED
AUTO	AUTOMATIC	PNL	PANEL
ANG	ANGLE	PNTD	PAINTED
@	AT		
		R	RISER
BD	BOARD	RAD	RADIUS
BLDG	BUILDING	RD	ROOF DRAIN
BLKG	BLOCKING	REC	RECESSED
BM	BEAM	REDWD	RED WOOD
BO	BY OTHERS	REFL	REFLECTED
BTM	BOTTOM	REINF	REINFORCING
BR	BRONZE	REQD	REQUIRED
BRG	BEARING	RM	ROOM
BTWN	BETWEEN	RO	ROUGH OPENING
		RS	ROUGH SAWN OR RESAWN
CAB	CABINET		
CB	CONCRETE BLOCK	SAR	SUPPLY AIR REGISTER
CEM	CEMENT	SECT	SECTION
CER	CERAMIC	SEP	SEPARATION
CFM	CUBIC FEET/MINUTE	SHT	SHEET
CI	CAST IRON	SIM	SIMILAR
CLG	CEILING	SL	SLIDING
CLR	CLEAR	SPEC	SPECIFICATION
CMU	CONCRETE MASONRY UNIT	SPL	SPLASH
COL	COLUMN	SS	STAINLESS STEEL
CONC	CONCRETE	STD	STANDARD
CONN	CONNECTION	STL	STEEL
CONST	CONSTRUCTION	STOR	STORAGE
CJ	CONTROL JOINT	STR	STAIR
CONT	CONTINUOUS	STRUCT	STRUCTURAL
COOL'G	COOLING	SURF	SURFACE
CT	CERAMIC TILE		
CTR	COUNTER	T	TREAD
CTSK	COUNTERSINK	TI	TOP OF (ITEM)
C	CENTERLINE	TEL	TELEPHONE
		TH	THICK
DBL	DOUBLE	TS	TUBE STEEL
DET	DETAIL	TW	TOP OF WALL
DF	DOUGLAS FIR	TYP	TYPICAL
DF	DRINKING FOUNTAIN		
DIM	DIMENSION	UC	UNDER COUNTER
DN	DOWN	UNO	UNLESS NOTED
DR	DOOR		OTHERWISE
DRWG	DRAWING		
DS	DOWNSPOUT	VAC	VACUUM
O	DIAMETER	VAR	VARIABLE
DISP	DISPENSER	VB	VINYL BASE
D	DEEP	VCT	VINYL COMPOSITION TILE
DIR	DIRECTIONAL	VERT	VERTICAL
		W/	WITH
(E)	EXISTING	W/O	WITHOUT
EA	EACH	WD	WOOD
EL	ELEVATION	WH	WATER HEATER
ELEC	ELECTRIC	WIND	WINDOW
EQ	EQUAL	W	WIDE
EQPT	EQUIPMENT	WHSE	WAREHOUSE
EW	EACH WAY	WTR	WATER
EWC	ELECTRIC WATER COOLER		
EW	ELECTRIC WATER HEATER		
EXH	EXHAUST		
EXP	EXPOSED		
EXP JT	EXPANSION JOINT		
EXT	EXTERIOR		
FD	FLOOR DRAIN		
FEC	FIRE EXTINGUISHER CABINET		
FF	FINISH FLOOR		
FE	FIRE EXTINGUISHER		
FFHB	FROST FREE HOSE BIB		
FIN	FINISH		
FL	FLUORESCENT		
FLR	FLOOR		
FMD	FORMED		
FL	FLOOR OPENING		
FOS	FACE OF STUD		
FS	FLOOR SINK		
FTG	FOOTING		
FOUND	FOUNDATION		
FRMG	FRAMING		
GA	GAUGE/GAGE		
GAL	GALLON		
GALV	GALVANIZED		
GI	GALVANIZED IRON		
GL	GLASS		
GLB	GLULAM BEAM		
GYP BD	GYPSUM BOARD		
HARDBD	HARDBOARD		
HB	HOSE BIB		
HM	HOLLOW METAL		
HORIZ	HORIZONTAL		
HR	HOUR		
HT	HEIGHT		
HTR	HEATER		
HVAC	HEATING, VENTILATING & AIR CONDITIONING		
ID	INSIDE DIAMETER		
IE	INVERT ELEVATION		
INSUL	INSULATION		
INT	INTERIOR		
INV	INVERT		
JT	JOINT		
JTS	JOINTS		
L	LONG		
LAM	LAMINATED		
LAV	LAVATORY		
LB	FOUND		
MATL	MATERIAL		
MAX	MAXIMUM		
MECH	MECHANICAL		
MTL	METAL		
MH	MANHOLE		
MIN	MINIMUM		
MISC	MISCELLANEOUS		
MO	MASONRY OPENING		
(N)	NEW		
NIC	NOT IN CONTRACT		
NO	NUMBER		
NOM	NOMINAL		
NTS	NOT TO SCALE		
OC	ON CENTER		
OCEW	ON CENTER EACH WAY		
OD	OUTSIDE DIAMETER		
OH	OPPOSITE HAND		
OPNG	OPENING		
OPP	OPPOSITE		
OI	OVER		

PROJECT CONTACTS

**OWNER/ CONTRACTOR:**  
HIDDEN LAKE PROPERTIES  
11050 PIONEER TRAIL, SUITE 100  
TRUCKEE, CA 96161  
P. 530.587.2167

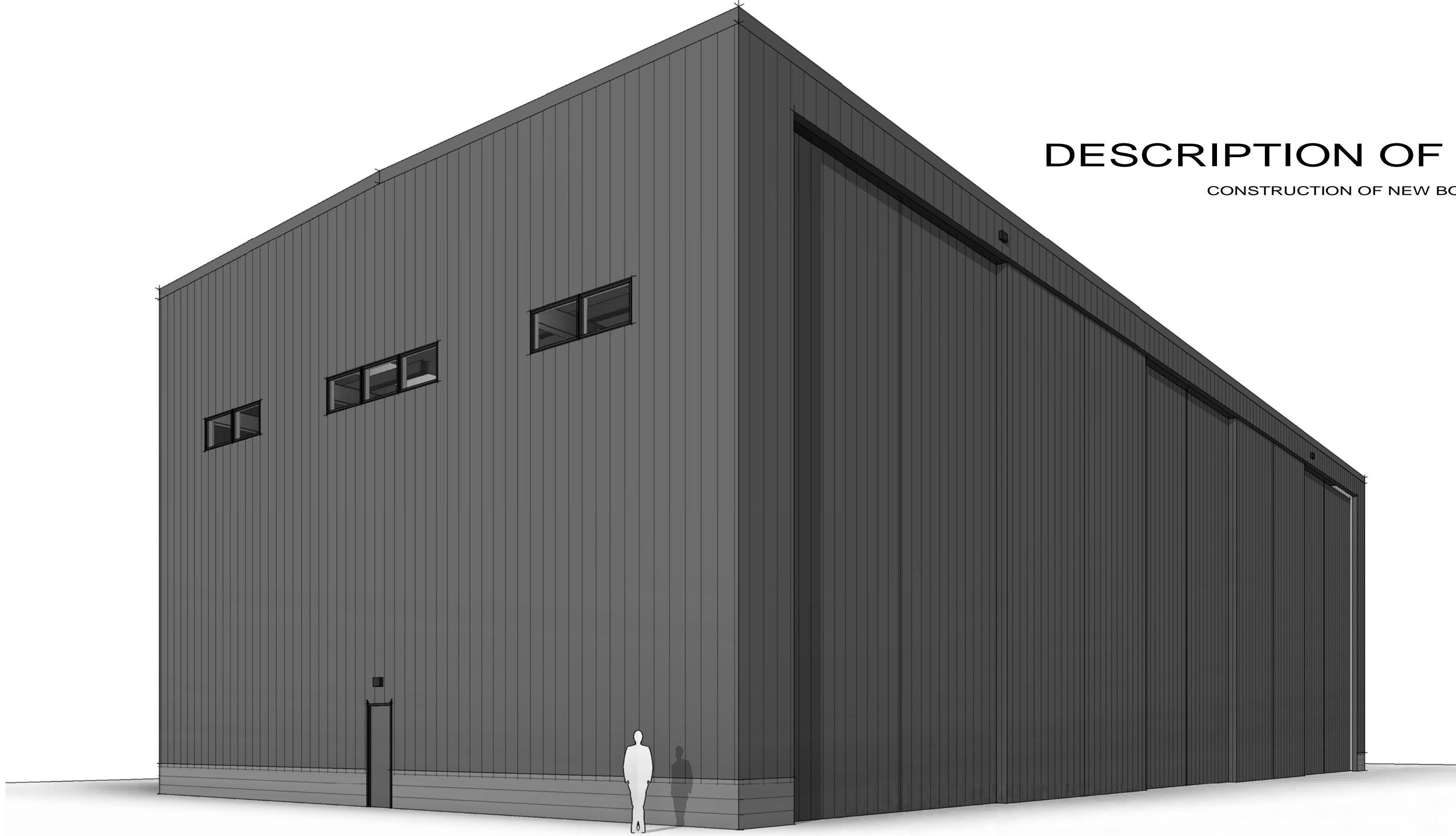
**ARCHITECT:**  
LOT C ARCHITECTURE  
P.O. BOX 8145  
TRUCKEE, CA 96162  
P. 530.550.7468  
F. 530.579.5681  
CONTACT: JASON WOOLEY  
EMAIL: JASON@LOTCArchITECTURE.COM

**CIVIL ENGINEER:**  
ACUMEN ENGINEERING CO  
10775 PIONEER TRAIL #214  
TRUCKEE, CA 96161  
P. 530.550.8068  
CONTACT: BILL QUESNEL  
EMAIL: BQUESNEL@LTOL.COM

**STRUCTURAL ENGINEER:**  
MAPLE BROOK ENGINEERING  
51 BENTLEY  
SILETZ OR 97380  
P. 541.674.1855  
CONTACT: BRANDON HELMS  
EMAIL: BHELMS@MAPLE-BROOK.COM

**METAL BUILDING SYSTEM:**  
METALLIC BUILDING COMPANY  
PO BOX 40338  
HOUSTON TX 77240  
P. 713.466.7788

Pioneer Boat Storage  
(Building K4)



DESCRIPTION OF PROJECT  
CONSTRUCTION OF NEW BOAT STORAGE BUILDING

PROJECT DATA

**PROJECT ADDRESS**  
10740 PIONEER TRAIL  
TRUCKEE, CA 96161  
APN: 19-700-15

**ZONING:**  
MANUFACTURING

**CONSTRUCTION TYPE:**  
TYPE 'V-B'

**USE GROUP:**  
'S-1', DRY BOAT STORAGE (INDOOR) PER CBC 311.2

ALLOWABLE WITH SPRINKLER SYSTEM PER CBC 903.3.1.1:  
- 2 STORIES PER CBC TABLE 504.4  
- 36,000 S.F. PER CBC TABLE 506.2

**PROPOSED SQUARE FOOTAGES:**

Area Schedule (Gross Building)			
Name	Area	Level	Comments
BOAT STORAGE (S1)	11,840 SF	GROUND FLOOR	occupant load (200) = 59 occupants
	11,840 SF		

(2) EXITS REQUIRED PER CBC 1006

SHEET LIST

A0.1 GENERAL INFORMATION

**CIVIL ENGINEERING PLANS**

C1 PROJECT LOCATION  
C2 GRADING/ DRAINAGE & BMP PLAN  
C3 UTILITY PLAN  
C4 DETAILS  
C5 DETAILS  
C6 DIMENSION PLAN

**ARCHITECTURAL PLANS**

A2.1 FLOOR PLAN  
A2.2 ROOF PLAN  
A3.1 ELEVATIONS  
A3.2 ELEVATIONS  
A4.1 SECTIONS  
A5.1 CGBC MANDATORY MEASURES

**STRUCTURAL ENGINEERING PLANS**

S0.1 GENERAL NOTES & ANCHOR DETAILS  
S1.1 FOUNDATION PLAN  
S2.1 STRUCTURAL DETAILS

**ELECTRICAL ENGINEERING PLANS**

E0.1 SYMBOL LISTS, SPECIFICATIONS, SINGLE LINE DIAGRAM  
E0.2 PANEL SCHEDULE, FIXTURE SCHEDULE  
E2.1 TITLE 24 COMPLIANCE  
E2.2 ELECTRICAL PLAN  
E2.2 PHOTOMETRIC PLAN

**METALLIC BUILDING COMPANY PLANS**

VICINITY MAP



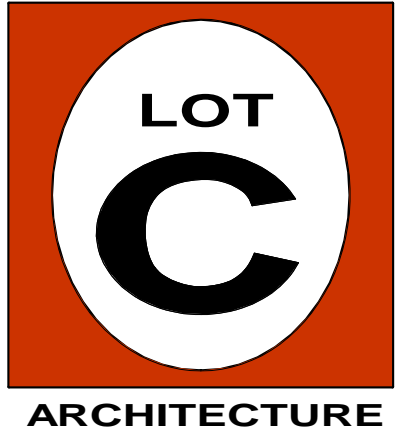
SITE

APPLICABLE CODES

2022 CALIFORNIA BUILDING CODE  
2022 CALIFORNIA RESIDENTIAL CODE  
2022 CALIFORNIA ELECTRICAL CODE  
2022 CALIFORNIA MECHANICAL CODE  
2022 CALIFORNIA ELECTRICAL CODE  
2022 CALIFORNIA PLUMBING CODE  
2022 CALIFORNIA ENERGY CODE  
2022 CALIFORNIA FIRE CODE  
2022 CALIFORNIA GREEN BUILDING STANDARDS CODE  
CURRENT TOWN OF TRUCKEE MUNICIPAL CODE

DEFERRED SUBMITTALS

- REQUIRED FIRE SPRINKLER PLAN SUBMITTAL TO BE SUBMITTED DURING CONSTRUCTION BY THE FIRE SPRINKLER SUBCONTRACTOR. THE FIRE SPRINKLER SYSTEM WILL BE A SEPARATE PERMIT.
- REQUIRED GAS PIPING PLAN AND GAS SIZING TO BE SUBMITTED BY PLUMBING SUBCONTRACTOR DURING CONSTRUCTION.



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truckee, ca 96162  
www.lotcarchitecture.com



PROJECT :  
**BUILDING K4**

Schematic Design

10740 Pioneer Trail  
Truckee, CA 96161  
APN: 19-700-025

REVISIONS :  
NO. DATE REMARKS

PROJECT NO :  
2212  
ISSUE DATE :  
August 3, 2023

DRAWING  
TITLE :

GENERAL  
INFORMATION  
1/4" = 1'-0"

DRAWING NO :

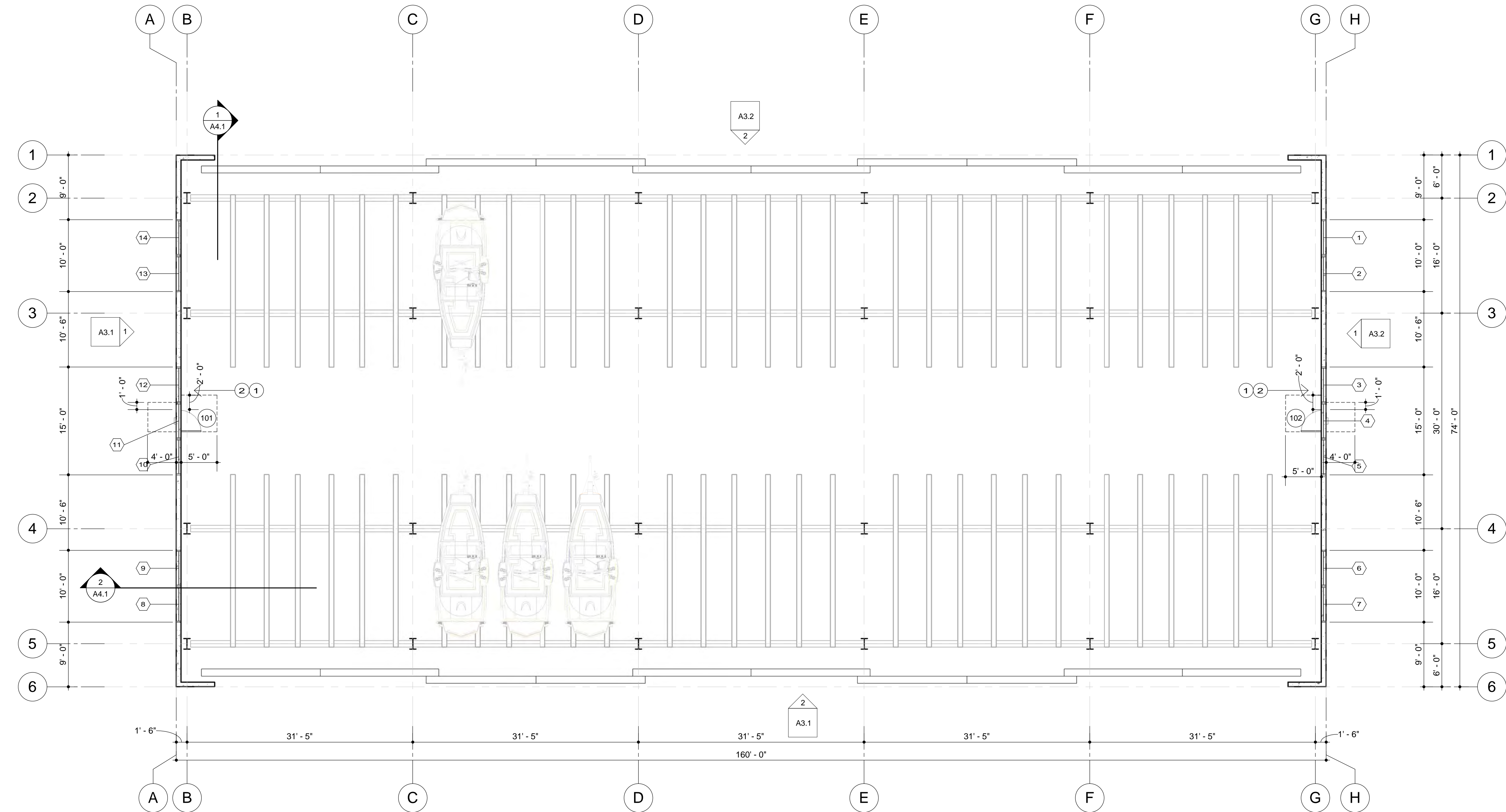
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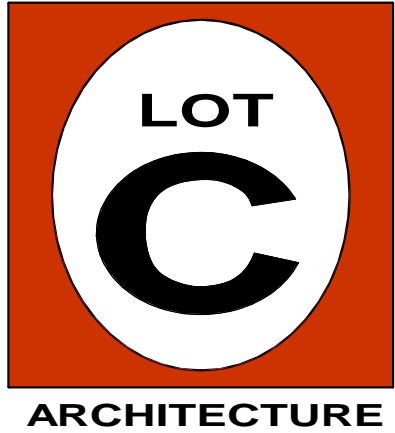
DOOR SCHEDULE								
SYM	SIZE			ELEV TYPE	MATL		FINISH	
	SIZE	WIDTH	HEIGHT		DOOR	FRAME	DOOR	FRAME
101	3080	3'-0"	8'-0"		H.M.			
102	3080	3'-0"	8'-0"		H.M.			

WINDOW SCHEDULE					
NUM	SIZE		UNT	UNIT	COMMENTS
	WIDTH	HEIGHT			
1	5'-0"	3'-0"			fixed glass, tempered
2	5'-0"	3'-0"			fixed glass, tempered
3	5'-0"	3'-0"			fixed glass, tempered
4	5'-0"	3'-0"			fixed glass, tempered
5	5'-0"	3'-0"			fixed glass, tempered
6	5'-0"	3'-0"			fixed glass, tempered
7	5'-0"	3'-0"			fixed glass, tempered
8	5'-0"	3'-0"			fixed glass, tempered
9	5'-0"	3'-0"			fixed glass, tempered
10	5'-0"	3'-0"			fixed glass, tempered
11	5'-0"	3'-0"			fixed glass, tempered
12	5'-0"	3'-0"			fixed glass, tempered
13	5'-0"	3'-0"			fixed glass, tempered
14	5'-0"	3'-0"			fixed glass, tempered

SHEET NOTES	
1	THE PRIMARY ENTRY ACCESS HAS: - 32" MIN. CLEAR OPENING WHEN DOOR IS AT 90 DEGRESS - NO MORE THAN 1/2" CHANGE IN FLOOR LEVEL AT TRESHOLD - GRASPABLE DOOR HARDWARE AT 36" ABOVE FINISH FLOOR - 5 LB OPERATING FORCE AT DOOR, MAXIMUM - STRIKE SIDE CLEARANCES AS SHOWN (AUTOMATIC OPENER TO BE INSTALLED DUE TO LESS THAN 12" CLEAR ON PUSH SIDE OF STRIKE) - AN ENTRANCE SIGN WITH THE INTERNATIONAL SYMBOL OF ACCESSIBILITY
2	EXIT SIGN LOCATIONS: - ALL EXIT SIGNAGE IS REQUIRED TO BE ILLUMINATED AND HAVE TACTILE EXIT SIGNAGE - EACH GRADE-LEVEL EXTERIOR EXIT DOOR SHALL BE IDENTIFIED BY A TACTILE EXIT SIGN WITH THE WORD, "EXIT" ("EXIT ROUTE" WHEN ALONG EXIT ROUTE), MOUNTED 60" A.F.F. AT THE STRIKE SIDE OF EXIT DOOR



1 GROUND FLOOR 1/8" = 1'-0"



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PROJECT :  
**BUILDING K4**

Schematic Design

10740 Pioneer Trail  
Truckee, CA 96161  
APN: 19-700-025

REVISIONS :		
NO.	DATE	REMARKS
1		

PROJECT NO :  
2212  
ISSUE DATE :  
August 3, 2023

DRAWING  
TITLE :

FLOOR PLAN  
As indicated

DRAWING NO :

A2.1



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PROJECT :  
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REVISIONS :		
NO.	DATE	REMARKS
1		

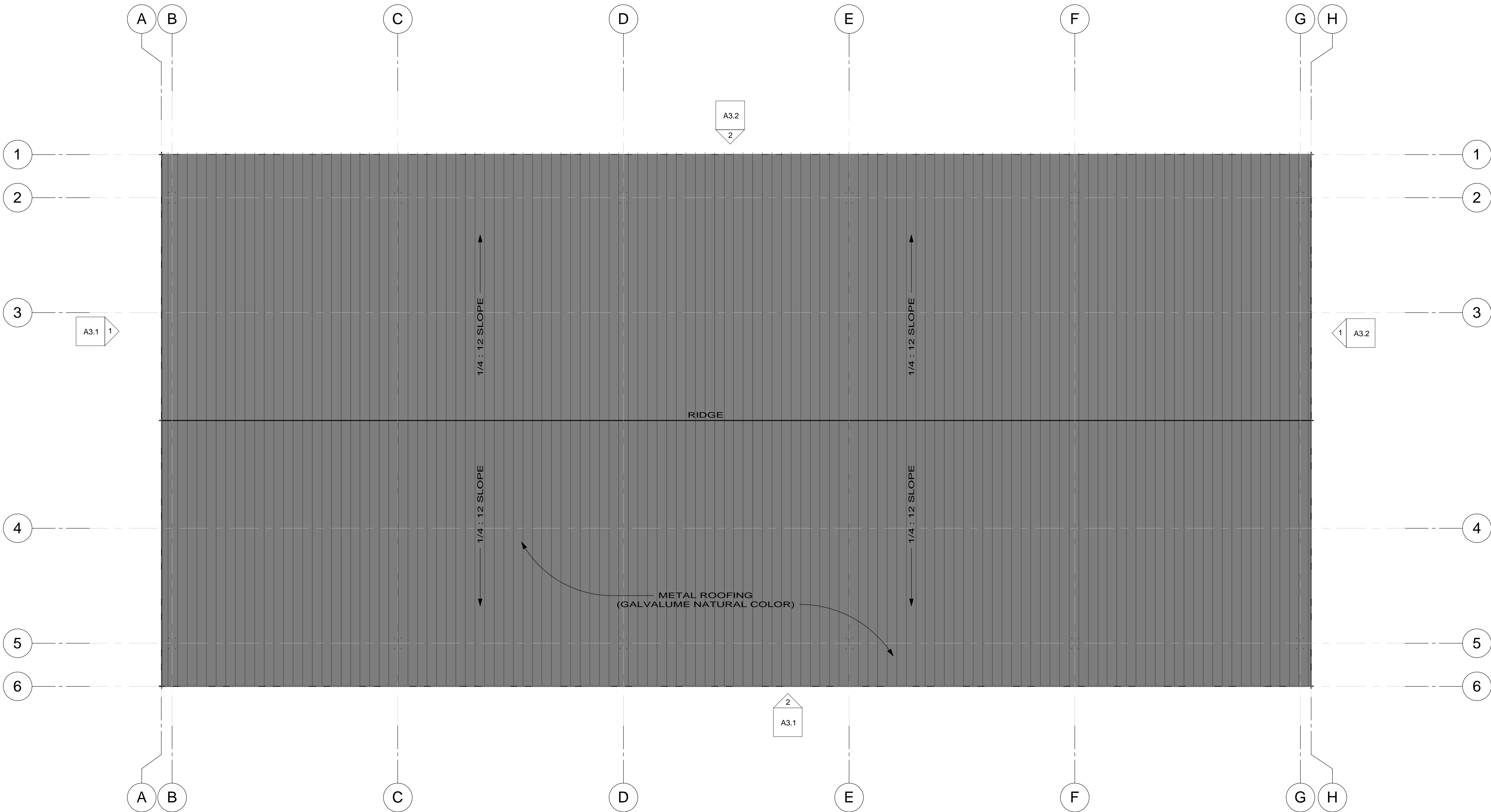
PROJECT NO :  
2212  
ISSUE DATE :  
August 3, 2023

DRAWING  
TITLE :

**ROOF PLAN**  
1/8" = 1'-0"

DRAWING NO :

**A2.2**



1 ROOF PLAN 1/8" = 1'-0"



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**BUILDING K4**

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REVISIONS :		
NO.	DATE	REMARKS
1		

PROJECT NO :  
2212  
ISSUE DATE :  
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DRAWING  
TITLE :

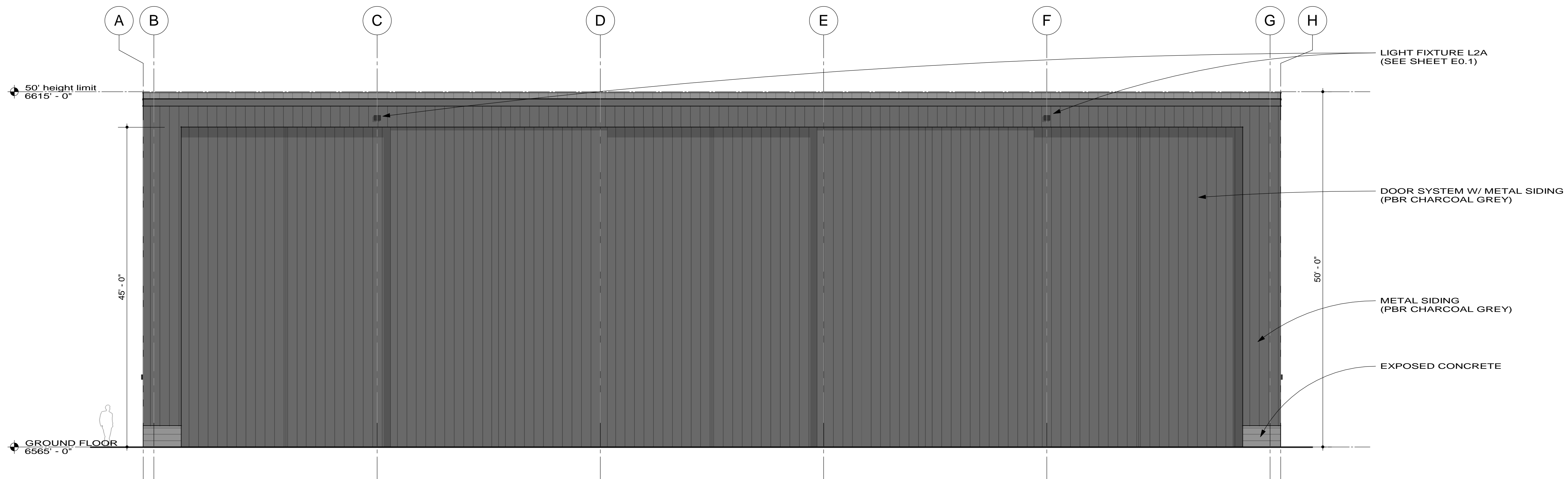
**ELEVATIONS**  
1/8" = 1'-0"

DRAWING NO :

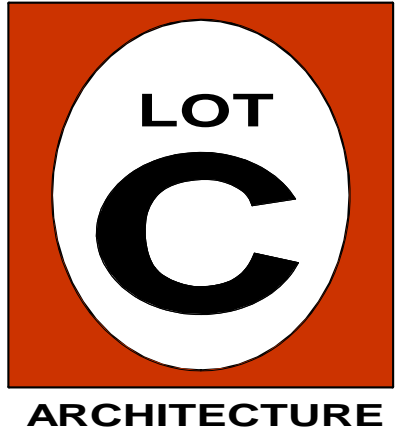
**A3.1**



1 South Elevation K4  
1/8" = 1'-0"



2 East Elevation K4  
1/8" = 1'-0"



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PROJECT :  
**BUILDING K4**

Schematic Design

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APN: 19-700-025

REVISIONS :		
NO.	DATE	REMARKS

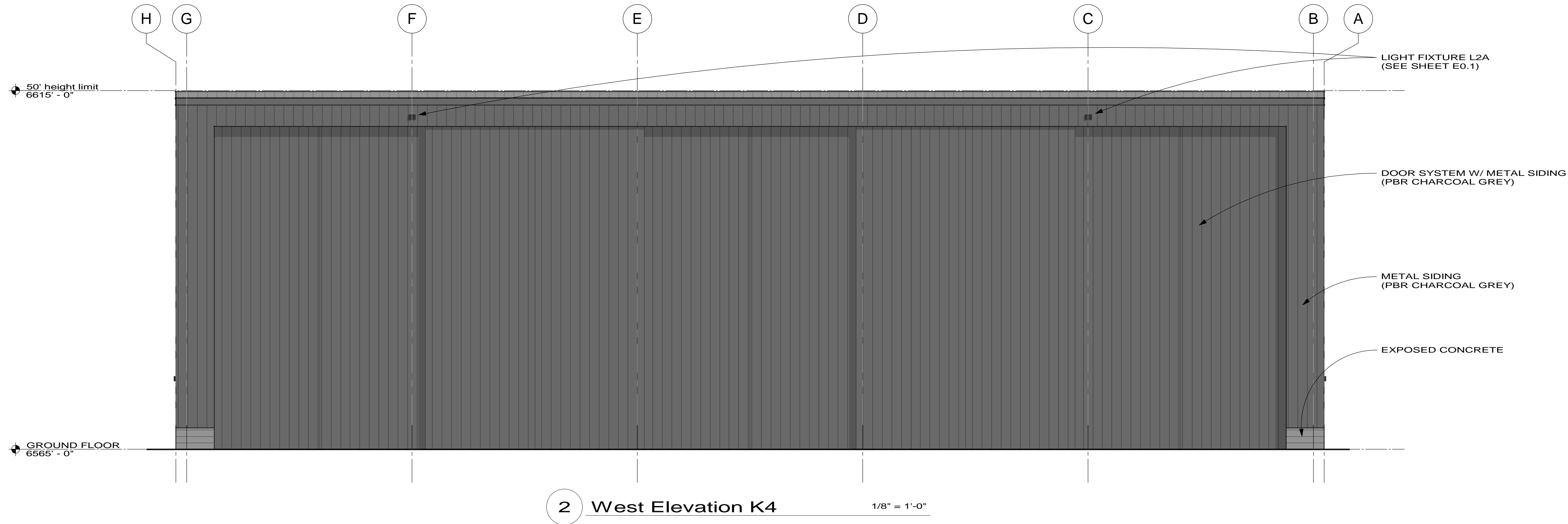
PROJECT NO :  
2212  
ISSUE DATE :  
August 3, 2023

DRAWING  
TITLE :

ELEVATIONS  
1/8" = 1'-0"

DRAWING NO :

A3.2







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PROJECT :  
**BUILDING K4**

*Schematic Design*

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APN: 19-700-025

REVISIONS :		
NO.	DATE	REMARKS

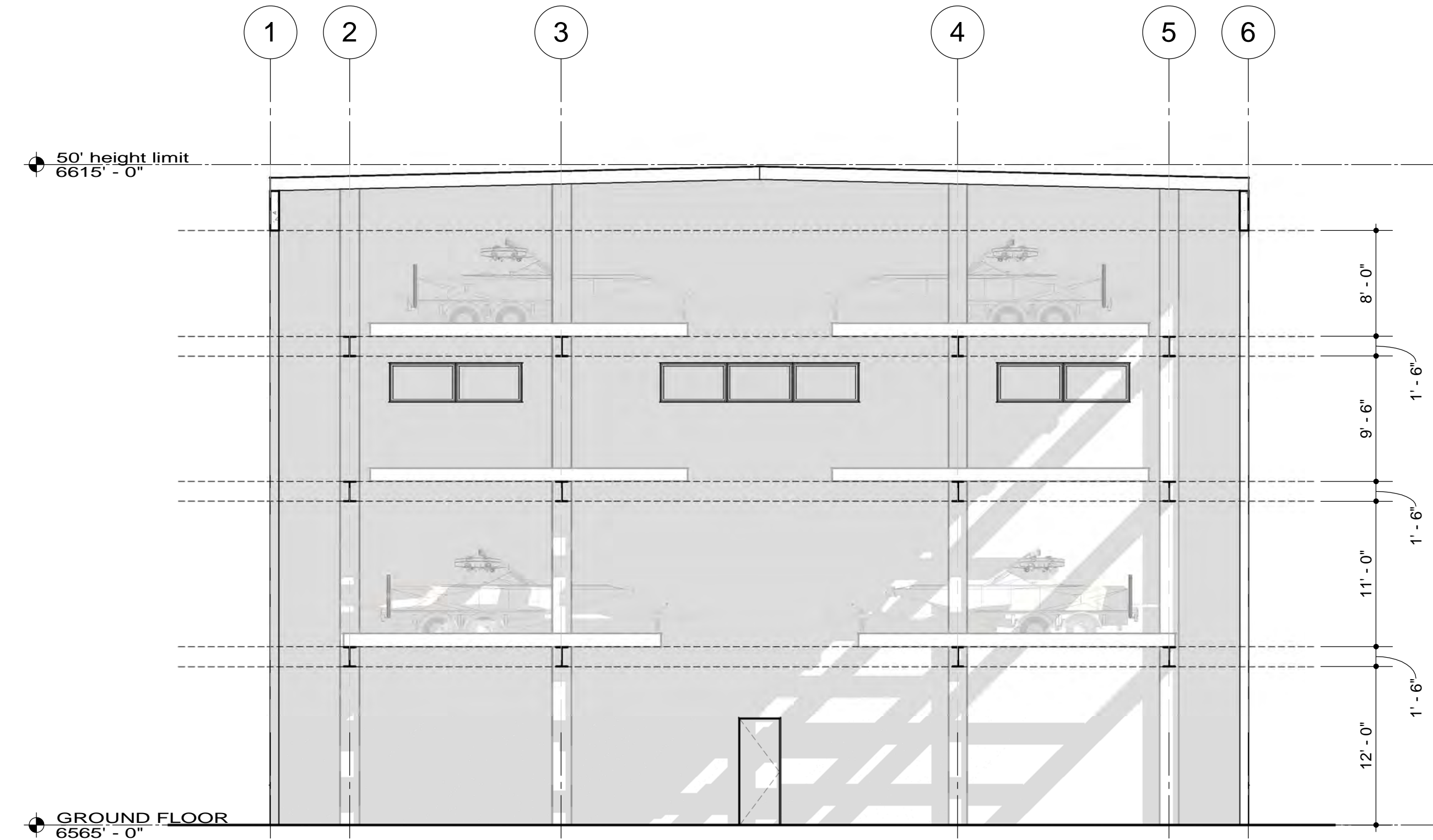
PROJECT NO :  
2212  
ISSUE DATE :  
August 3, 2023

DRAWING  
TITLE :

**SECTIONS**  
1/8" = 1'-0"

DRAWING NO :

**A4.1**



**1 SECTION EAST WEST** 1/8" = 1'-0"



**2 SECTION NORTH SOUTH** 1/8" = 1'-0"





		<b>*GB 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGREEN) NON-RESIDENTIAL MANDATORY MEASURES (Par 101.3, The provisions of CalGreen shall apply to the planning, design, operation, construction, use and occupancy of every newly constructed building or structure. Per 102.3 Documentation of conformance for applicable green building measures shall be provided to the enforcing agency.</b>
	*GB1	For projects of one acre or less, develop a Storm Water Pollution Prevention Plan (SWPPP) that has been designed, specific to its site, conforming to the State Storm water NPDES Construction Permit or local ordinance, whichever is more strict, as is required for projects one acre or more. (The plan should cover prevention of soil loss by storm water run-off and/or wind erosion, of sedimentation, and/or of dust/particulate matter air pollution. CalGreen 5.106.1 <b>(Provide and incorporate SWPPP into submittal documentation.)</b>
	*GB2	Provide Short-Term bicycle parking. If the project is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for 5% of visitor motorized vehicle parking capacity, with a minimum of one two-bike capacity rack, CalGreen 5.106.4.1. <b>(Show location of and number of bike racks provided to meet these requirements)</b>
	*GB3	Provide Long-Term bicycle parking. For buildings with over 10 tenant-occupants, provide secure bicycle parking for 5% of tenant- occupied motorized vehicle parking capacity, with a minimum of one space. Acceptable parking facilities shall be convenient from the street and may include: 1) Covered, lockable enclosures with permanently anchored racks for bicycles; 2) Lockable bicycle rooms with permanently anchored racks; and 3) Lockable, permanently anchored bicycle lockers. CalGreen 5.106.4.2. <b>(Show location of and number of bike racks provided to meet these requirements)</b>
	*GB4	Provide designated parking for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles. Paint, in the paint used for stall striping, the following characters such that the lower edge of the last word aligns with the end of the stall striping and is visible beneath a parked vehicle: <b>CLEAN AIR VEHICLE</b> CalGreen 5.106.5.2, 5.106.5.2.1 <b>(Show on site drawing the location and number of parking space(s) required to comply. Provide details for appropriate painting and marking requirements).</b>
	*GB5	Comply with lighting power requirements in the California Energy Code and design interior and exterior lighting such that zero direct-beam illumination leaves the building site. Meet or exceed exterior light levels and uniformity ratios for lighting zones 1 – 4 using the following strategies; 1) Shield all exterior luminaires or use cutoff luminaires; 2) Contain interior lighting within each source; 3) Allow no more than .01 horizontal foot candle 15 ft beyond the site; 4) Contain all exterior lighting within property boundaries. CalGreen 5.106.8. <b>(Provide (2) copies of Title 24 inside and outdoor lighting calculations as part of energy compliance documentation; demonstrate compliance with notations 1 – 4 above).</b>
	*GB6	The site shall be planned and developed to keep surface water from entering buildings. Construction plans shall indicate how site grading or a drainage system will manage all surface water flows. CalGreen 5.106.10 <b>(Verify SWPPP is compliant with this requirement).</b>
	*GB7	Building shall comply with California Energy Commission mandatory building standards. CalGreen 5.201 <b>(Provide copies of energy documentation as part of</b>

1

		<b>submittal documentation).</b>
	*GB8	Buildings in excess of 50,000 square feet shall have separate submeters installed as follows: 1) For each individual leased, rented or other tenant space within the building projected to consume more than 100 gal/day; 2) For spaces used for laundry or cleaners, restaurant or food service, medical or dental office, laboratory, or beauty salon or barber shop projected to consume more than 100 gal/day. CalGreen 5.303.1.1 <b>(Document proposed indoor water use and provide separate meters or metering devices).</b>
	*GB9	Separate meters shall be installed in any building within a project or space within a building that is projected to consume more than 1000 gal/day. CalGreen 5.303.1.2 <b>(Document proposed indoor water use and provide separate meters or metering devices).</b>
	*GB10	A schedule of plumbing fixtures and fixture fittings that will reduce the overall use of potable water within the building by 20% shall be provided. The reduction shall be based on the maximum allowable water use per plumbing fixture and fittings as required by the CBC. The 20% reduction in the building “water use baseline” as established by Table 5.303.2.2 shall be provided. <b>(Provide blank copy of Water Efficiency and Conservation Compliance Documentation at submittal)</b>
	*GB11	When single shower fixtures are served by more than one showerhead, the combined flow rate of all the showerheads shall not exceed the maximum flow rates specified in the 20% reduction column contained in Table 5.303.2.3 or the shower shall be designed to only allow one showerhead to be in operation at a time. (exception for maximum flow rate for shower heads when using calculation method specified in section 5.303.2, item 2 is <b>2.5@80</b> psi). CalGreen 5.303.2.1. <b>(Review “Water Efficiency and Conservation Compliance Documentation” prior to ordering fixtures and document compliance during construction.)</b>
	*GB12	Each building shall reduce by 20% wastewater by one of the following methods: 1) The installation of water-conserving fixtures (water closets, urinals) meeting the criteria established in Section 5.3.3.2 0r 2) Utilizing nonpotable water systems (captured rainwater, graywater, and municipally treated wastewater (recycled water) complying with the current edition of the CPC or other methods described in Section A5.304. CalGreen 5.303.4 <b>(Define proposed compliance method as part of plan submittal documentation. Provide supporting documentation for proposed compliance method during construction and inspection process.)</b>
	*GB13	Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads shall comply with the appropriate standards as listed in Table 5.303.6. CalGreen 5.303.6 <b>(Provide appropriate notation on plans and document compliance during construction and prior to final inspection)</b>
	*GB14	A water budget shall be developed for landscape irrigation use that conforms to the local water efficient landscape ordinance or to the California Department of Water Resources Model Water Efficient Landscape Ordinance. ( <a href="http://www.owue.water.ca.gov/landscape/ord/ord.cfm">http://www.owue.water.ca.gov/landscape/ord/ord.cfm</a> ) CalGreen 5.304 <b>(Provide water budget for landscape irrigation use and incorporate into plan documentation).</b>
	*GB15	For new water service for landscaped areas between 1,000 square feet and 5,000 square feet (the level at which Water Code section 535 applies), separate meters or submeters shall be installed for indoor and outdoor potable water use. CalGreen 5.304.2. <b>(Document exemption or demonstrate compliance.)</b>
	*GB16	In new nonresidential construction with between 1,000 square feet and 2,500 square feet of landscaped area (the level at which the MLO applies), install irrigation controllers and sensors which include the following criteria, and meet manufacturer’s

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		recommendations: 1) Automatic irrigation system controllers installed at the time of final inspection shall be weather- or soil moisture-based controllers that automatically adjust irrigation in response to changes in plants’ needs as weather conditions change; 2) Weather-based controllers without integral rain sensors or communication systems that account for local rainfall shall have a separate wired or wireless rain sensor which connects or communicates with the controller(s). Soil moisture-based controllers are not required to have rain sensor input. CalGreen 5.304.3 <b>(Provide appropriate notations on plans. Provide supporting documentation at time of field verification.)</b>
	*GB17	Provide a weather-resistant exterior wall and foundation envelope as required by CBC Section 1403.2, CA Energy Standards section 150, Manufacturer’s specs, whichever is more stringent. CalGreen 5.407.1. <b>Provide notation on plans and demonstrate compliance during construction.</b>
	*GB18	Employ moisture control measures by the following methods: Sprinklers - Prevent irrigation spray on structures. Entries and openings: Design exterior entries and openings to prevent water intrusion into buildings. CalGreen 5.407. <b>Provide notation on plans and demonstrate compliance during construction.</b>
	*GB19	Establish a construction waste management plan for the diverted materials, or meet local construction and demolition waste management ordinance whichever is greater. CalGreen 5.408.1 <b>((1) Provide completed Construction Waste Management Plan as part of submittal documentation. (2) Maintain plan and document compliance during inspection. (3) At final inspection, provide completed plan and documentation, as well as receipts or alternate documentation to support compliance).</b>
	*GB20	Recycle and/or salvage for reuse a minimum of 50% of nonhazardous construction and demolition debris or meet local ordinance (exceptions: excavated soil and land-clearing debris; Alternate waste reduction methods develop by working with local agencies if diversion or recycle facilities capable of compliance do not exist. CalGreen 5.408.3 <b>((1) Provide completed Construction Waste Management Plan as part of submittal documentation. (2) Maintain plan and document compliance during inspection. (3) At final inspection, provide completed plan and documentation, as well as receipts or alternate documentation to support compliance).</b>
	*GB21	100% of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reused or recycled. For a phased project, such material may be stockpiles on site until the storage site is developed. CalGreen 5.408.4 <b>Provide appropriate notation on plans and verify in field.</b>
	*GB22	Provide readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics and metals. (Space allocation for recycling areas shall comply with Chp 18, Part 3, Division 30 of the Public Resources Code.) CalGreen 5.410.1 <b>Provide appropriate designation of areas and demonstrate accessible path of travel to area(s).</b>
	*GB23	For new buildings 10,000 square feet and over, building commissioning shall be included in the design and construction processes of the building project to verify that the building systems and components meet the owner’s or owner representative’s project requirements. (See CalGreen 5.410.2 for listing of requirements). <b>Provide appropriate supporting documentation, as applicable.</b>

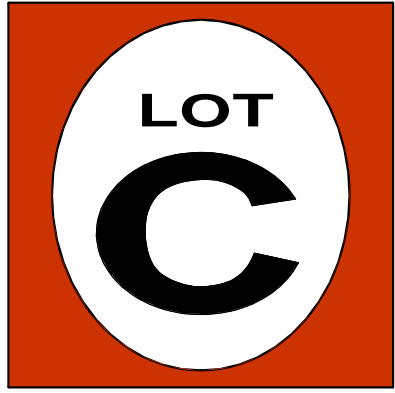
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	*GB24	Testing and adjusting of systems shall be required for buildings less than 10,000 square feet. CalGreen 5.410.4.2 <b>Provide Mechanical balancing and acceptance testing certificates prior to final inspection.</b>
	*GB25	Develop a written plan of procedures for testing and adjusting systems. Systems to be included for testing and adjusting shall include at a minimum, as applicable to the project: 1) HVAC systems and controls; 2) Indoor and outdoor lighting and controls; 3) Water heating systems; 4) Renewable energy systems; 5) Landscape irrigation systems; 6) Water reuse systems. CalGreen 5.410.4 <b>Provide Mechanical balancing and acceptance testing certificates prior to final inspection.</b>
	*GB26	Perform testing and adjusting procedures in accordance with industry best practices. In addition to testing and adjusting, before a new space-conditioning system serving a building or space is operated for normal use, the system shall be balanced by National Standards. CalGreen 5.410.4 <b>Provide Mechanical balancing and acceptance testing certificates prior to final inspection.</b>
	*GB27	After completion of testing, adjusting and balancing, provide a final report of testing signed by the individual responsible for performing these services. CalGreen 5.410.4.4 <b>Provide Mechanical balancing and acceptance testing certificates prior to final inspection.</b>
	*GB28	Provide the building owner or representative with detailed operating and maintenance instructions and copies of guaranties/warranties for each system. O & M instructions shall be consistent with other related regulations. Include a copy of all inspection verifications and reports required by the enforcing agency. CalGreen 5.410.4.5.1 <b>Provide notation on plans to demonstrate compliance. Have manual available for review by inspector at final inspection.</b>
	*GB29	Install only a direct-vent sealed-combustion gas or sealed wood-burning fireplace, or a sealed woodstove or pellet stove, and refer to residential requirements in the California Energy Code. Woodstoves and pellet stoves shall comply with US EPA Phase II emission limits. CalGreen 5.503 <b>Show proposed direct vent termination location.</b>
	*GB30	At the time of rough installation or during storage on the construction site and until final startup of the heating and cooling equipment, all ducts and other related air distribution component openings shall be covered with tape, plastic, sheetmetal or other methods acceptable to the enforcing agency to reduce the amount of dust or debris which may collect in the system. CalGreen 5.504.3 <b>Provide appropriate notation on plans. Verify compliance in field.</b>
	*GB31	Adhesives, adhesive bonding primers adhesive primers, sealants, sealant primers and caulks shall comply with VOC limits as notes in Tables 5.504.4.1 and 5.504.4.2. and shall comply with Rule 1168 prohibition on the use of certain toxic compounds CalGreen 5.504.4 <b>Provide notation on plans. Provide appropriate documentation to field inspector during construction process and/or prior to final.</b>
	*GB32	Finish material pollutant control shall be monitored, verified and documented for architectural paints and coatings, aerosol paints and coatings, carpet cushions, carpet adhesives, composite wood products and resilient floor systems. Documentation shall include at least one of the following: 1) Product certification and specifications; 2) chain of custody certifications; 3) other methods acceptable to the enforcing agency. CalGreen 5.504.4 <b>Provide notation on plans. Provide appropriate documentation to field inspector during construction process and/or prior to final.</b>
X	*GB33	In mechanically ventilated buildings, provide regularly occupied areas of the building with air filtration media for outside and return air prior to occupancy that provides at least a Minimum Efficiency Reporting Value MERV of 8. CalGreen 5.504.5.3. <b>Provide notation on plans. Provide appropriate documentation to field inspector during</b>

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		<b>construction process and/or prior to final.</b>
	*GB34	Where outdoor areas are provided for smoking, prohibit smoking within 25 feet of building entries, outdoor air intakes and operable windows and in buildings; o CalGreen 5.504.7. <b>Provide notation on plans. Provide appropriate documentation to field inspector during construction process and/or prior to final.</b>
	*GB35	Buildings shall meet or exceed the provisions of California Building Code, CCR, Title 24, Part 2, Section 1203 (Ventilation) and Chapter 14 (exterior walls). CalGreen 5.505.1 <b>Provide notation on plans and consider in design.</b>
	*GB36	For mechanically or naturally ventilated spaces in buildings, meet the minimum requirements of Section 121 of the CEC., CCR, Title 24, Part 6 and Chapter 4 of CCF, Title 8. CalGreen 5.506.1 <b>Provide notation on plans and consider in design.</b>
	*GB37	For buildings equipped with demand control ventilation, CO2 sensors and ventilation controls shall be specified and installed in accordance with the requirements of the current edition of the CEC, CCR, Title 24, Part 6, Section 121©. CalGreen 5.506.2 <b>Provide notation on plans and consider in design.</b>
	*GB38	Employ building assemblies and components with Sound Transmission Coefficient (STC) values determined in accordance with ASTM E 90 and ASTM E 413. CalGreen 5.507.4 <b>Include STC values and ASTM Standards references within proposed wall assemblies on plans.</b>
	*GB39	Wall and roof-ceiling assemblies making up the building envelope shall have an STC of at least 50, and exterior windows shall have a minimum STC of 30 for any of the following building locations: 1) within 10000 feet of right of ways of freeways; 2) within 5 miles of airports serving more than 10,000 commercial jets per year; 3) Where sound levels at the property line regularly exceed 65 decibels, other than occasional sound due to church bells, train horns, emergency vehicles and public warning systems (exceptions for buildings with few or no occupants). CalGreen 5.507.4.1 <b>Include STC values within proposed wall assemblies on plans.</b>
	*GB40	Wall and floor-ceiling assemblies separating tenant spaces and tenant spaces and public places shall have an STC of at least 40 (see exceptions). CalGreen 5.507.4.2. <b>Include STC values within proposed wall assemblies on plans.</b>
	*GB41	Installations of HVAC, refrigeration and fire suppression equipment shall not contain CFCs nor Halons. CalGreen 5.508.1 <b>Provide notation on plans.</b>

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p.530.550.7468  
p.o. box 8145  
truckee, ca 96162  
www.lotcarchitecture.com



PROJECT :  
**BUILDING K4**

Schematic Design

10740 Pioneer Trail  
Truckee, CA 96161  
APN: 19-700-025

REVISIONS :		
NO.	DATE	REMARKS

PROJECT NO :  
**2212**  
ISSUE DATE :  
**August 3, 2023**

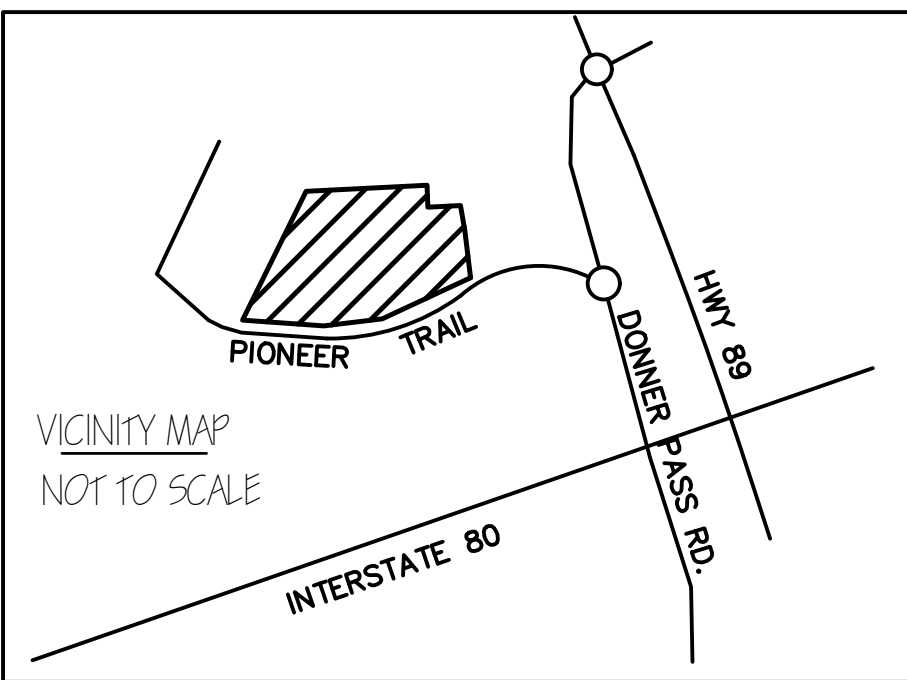
DRAWING  
TITLE :

**CGBC  
MANDATORY  
MEASURES**

DRAWING NO :

**A5.1**





## CONSTRUCTION SCHEDULE

MAY 2023	EXCAVATE FOOTINGS, TRENCH FOR INSTALLATION OF UTILITIES AND STORM DRAIN
JULY 2023	POUR FOOTINGS
AUGUST 2023	START BUILDING ERECTION
SEPTEMBER 2023	COMPLETE UTILITIES AND STORM DRAIN
SEPTEMBER 2023	PAVING
OCTOBER 2023	WINTERIZE SITE
DECEMBER 2023	COMPLETE BUILDING

## SHEET INDEX

SHEET 1	—	PROJECT LOCATION
SHEET 2	—	GRADING/DRAINAGE & BMP PLAN
SHEET 3	—	UTILITY PLAN
SHEET 4	—	DETAILS
SHEET 5	—	DETAILS
SHEET 6	—	DIMENSION PLAN

## TOWN OF TRUCKEE CONSTRUCTION NOTES

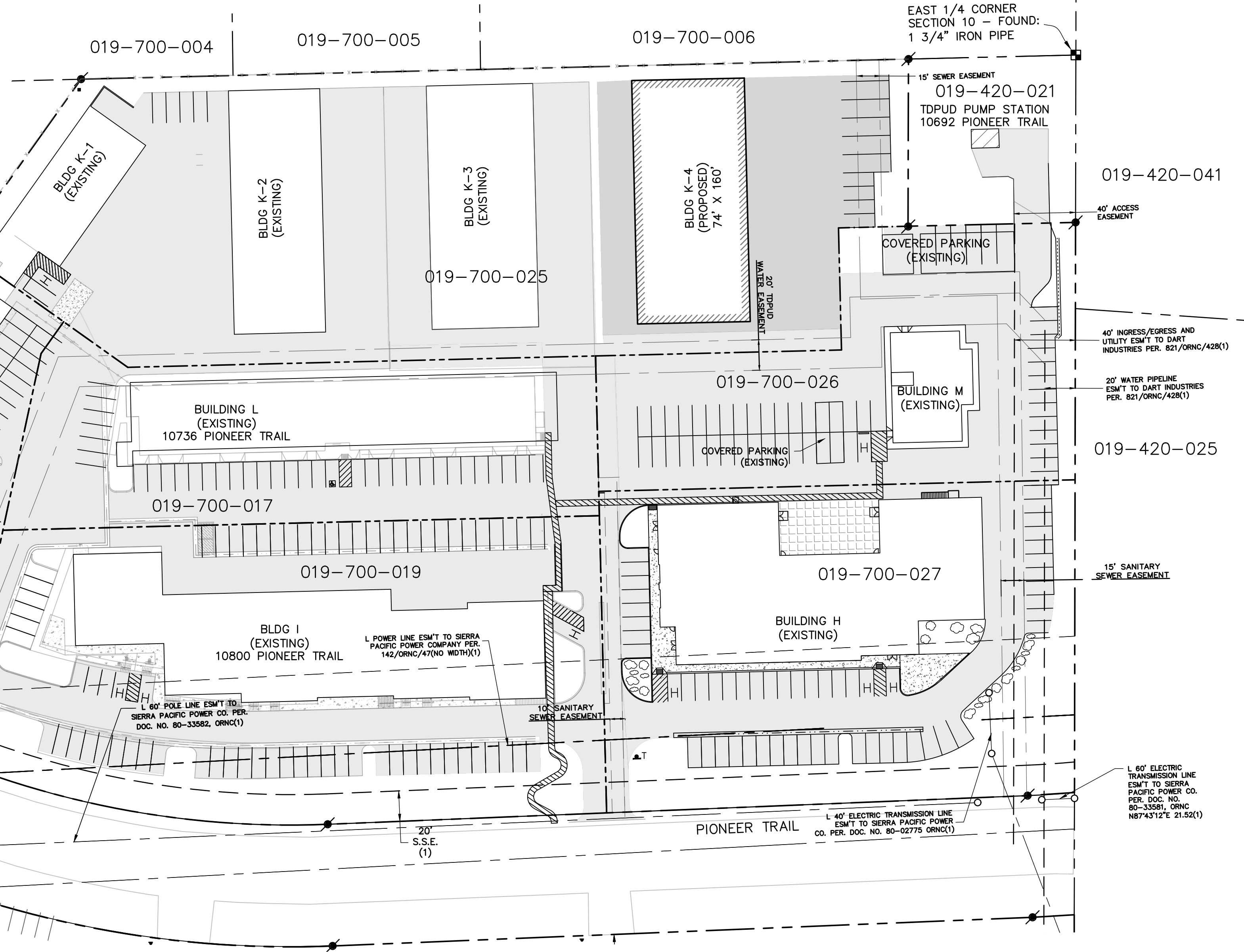
### GENERAL NOTES

- All construction materials and methods shall conform to the requirements of Town of Truckee Public Improvement Engineering Standards, latest edition. All references to the Standard Specifications shall refer to latest edition of the State of California Department of Transportation Standard Specifications.
- TOWN, DEPARTMENT or ENGINEER, as used on these plans and notes, refers to the Town Engineer of the Town of Truckee or an authorized agent appointed by the Town Engineer, when work occurs on Town of Truckee controlled or owned property.
- Public safety and traffic control shall be provided in accordance with Town requirements and as directed by the ENGINEER. Safe vehicular and pedestrian access shall be provided at all times during construction.
- All field staking shall be done by a registered civil engineer or licensed land surveyor.
- The contractor is hereby notified that prior to commencing construction, they are responsible for contacting all utility companies for verification at the construction site of the locations of all underground facilities where such facilities may possibly conflict with the placement of the improvements shown on these plans. Call "Underground Service Alert" at 1-800-227-2600 two (2) days minimum to fourteen (14) days maximum before any excavation is started.
- Contractor is responsible for the protection of all existing monuments and other survey markers. Monuments and survey markers destroyed during construction shall be replaced at the contractor's expense.
- All asphalt concrete surfaces shall be sawcut two feet minimum inside the edge of pavement to a neat, straight line and removed. The exposed edge shall be sealed with emulsion prior to paving. The exposed base material shall be graded, recompacted and reseded prior to paving.
- Contractor shall maintain adequate dust control per section 10 of the Standard Specifications.
- No construction shall be done between October 15 and May 1 without a Town approved sediment/erosion control plan to prevent soil erosion. All erosion and sedimentation control measures shall be in accordance with the Lahontan Regional Water Quality Control Board Best Management Practices and the stormwater pollution prevention plan prepared for this project.
- Installation and maintenance of erosion control measures are the responsibility of the contractor. The contractor shall be responsible for the prevention of erosion and siltation entering the stormdrain system, natural drainage courses and/or intruding upon adjacent roadways and properties. Winterization and erosion control shown on these plans is intended as a guide. Additional erosion control measures may be required as determined in the field and approved by the ENGINEER. This responsibility shall apply throughout the course of construction and until all disturbed areas have become stabilized and shall not be limited to wet weather periods.
- After stripping the debris, any existing loose fill, unsuitable soil, silty, sand deposits, or disturbed natural soils shall be excavated and properly disposed of to the satisfaction of the Geotechnical Engineer. All geotechnical work shall be in compliance with the Geotechnical Study prepared by Blackburn Consulting, Inc. dated May 4, 2001.
- Asphalt Concrete (AC) mix design and specifications for paving shall conform to the latest edition of the State of California Standard Specifications. Specified lifts of Caltrans "A" maximum, medium (Type B) with PG 64-28 Asphalt Binder AC Mix or an approved equivalent.
- Aggregate base shall conform to Section 26 of the Standard Specifications.
- Contractor must immediately reinstall any traffic signs removed in the course of construction. Any signs lost or damaged by the contractor shall be replaced or repaired by the contractor as directed by the ENGINEER.

- The Town or utility providers may require the contractor to uncover any improvements that have been completed without proper inspection and/or approval. If the installation is found not to meet Town or utility provider standards or previously approved alternatives shown on the plans, the contractor may be required to remove and replace such improvements at contractor's expense.
- Prior to any activity within the Town right-of-way, the contractor shall at a minimum install "Road Work Ahead" signs in accordance with Chapter 5 of the Traffic Manual. The signs shall be professionally made, metal, reflectorized and placed on wooden posts for the duration of the project. The minimum size shall be 36 inches. The signs shall be replaced or repaired if stolen or damaged. The placement, type and location of all traffic control devices shall be reviewed and approved by the Town Inspector. The Inspector shall direct the installation or changes to signs, striping, cones, barricades etc. during the course of construction for traffic safely including installation of Traffic Control in accordance with Caltrans Standard Drawing T-13.
- 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.
- If during construction, soil contamination or underground storage tanks are discovered, the contractor shall report the information to the Nevada county Department of Environmental Health and the Town of Truckee and apply for permits to the proper site investigation.
- The contractor shall insure that all construction vehicles or equipment fixed or mobile, operated within close proximity of a residential dwelling shall be equipped with properly operating and maintained mufflers at all times during project construction. It is the owner's responsibility to obtain the services of a qualified acoustical professional to verify proper equipment mufflers if concerns relating to the issue arise. Construction noise emanating from any construction activities for which a Construction Permit or Grading Permit is required is prohibited on Sundays and Federal Holidays, and shall only occur:

Monday through Saturday, 7:00 AM to 7:00 PM or dusk, whichever occurs first.

ORIGINAL BOUNDARY INFORMATION FROM PARCEL MAP — 01-076A BY ANDREGG GEOMATICS DATED DECEMBER 20, 2005. NEVADA COUNTY PM 19/185.



## DEVELOPER'S RIGHT-OF-WAY CERTIFICATE

HIDDEN LAKE PROPERTIES, DEVELOPER OF APN 019-700-025 ("PROJECT"), HEREBY CERTIFIES THAT ALL RIGHT-OF-WAY AND OTHER LEGAL REQUIREMENTS FOR THE CONSTRUCTION OF ALL IMPROVEMENTS ASSOCIATED WITH THIS PROJECT, INCLUDING CONSTRUCTION PERMITS, WRITTEN CONSENTS, AND RIGHT-OF-ENTRY, HAVE BEEN ACQUIRED PRIOR TO APPROVAL OF THESE PLANS. DEVELOPER CERTIFIES THAT DOCUMENTATION TO SUBSTANTIATE THIS CERTIFICATION HAS BEEN SUBMITTED TO THE TOWN OF TRUCKEE. DEVELOPER SHALL HOLD THE TOWN OF TRUCKEE HARMLESS IN THE EVENT THE ABOVE RIGHTS ARE NOT OBTAINED OR ARE DISPUTED. DEVELOPER HEREBY ACKNOWLEDGES AND AGREES THAT UNDISCOVERED ERRORS AND OMISSIONS OR OTHER REVISIONS REQUIRED BY ACTUAL FIELD CONDITIONS SHALL BE CORRECTED AT THE DEVELOPER'S EXPENSE AS DISCOVERED.

AS USED IN THIS CERTIFICATE "DEVELOPER" SHALL INCLUDE THE DEVELOPER, DEVELOPER'S SUCCESSORS AND ASSIGNS AND DEVELOPER'S AUTHORIZED AGENT(S).

THE UNDERSIGNED HEREBY CERTIFIES THAT HE OR SHE HAS THE LEGAL AUTHORITY TO EXECUTE THIS CERTIFICATE ON BEHALF OF DEVELOPER, AND TO BIND DEVELOPER TO THE TERMS AND CONDITIONS STATED HEREIN.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

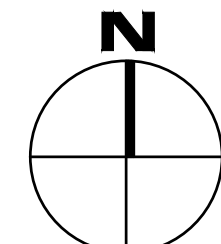
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## RECORD DRAWINGS NOTE

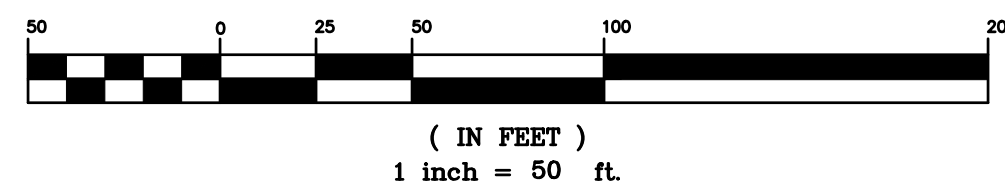
ALL INFORMATION SHOWN ON THESE PLANS HAS BEEN PREPARED BY, OR UNDER DIRECTION OF, THE UNDERSIGNED ENGINEER. ADJUSTMENTS MADE IN THE FIELD DURING CONSTRUCTION ARE INCLUDED HEREIN AND ARE BASED UPON FIELD OBSERVATIONS MADE UNDER THE DIRECTION OF OR BY THE UNDERSIGNED AND PUBLIC AGENCIES WHEN THE ENGINEER IS ADVISED IN WRITING OF SUCH CHANGE. THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR CHANGES TO THESE PLANS NOT AUTHORIZED BY THE ENGINEER.

DATE: \_\_\_\_\_ ENGINEER SIGNATURE (STAMP OR SEAL)

DATE: \_\_\_\_\_ CONTRACTOR SIGNATURE



## GRAPHIC SCALE



# ACUMEN ENGINEERING C O M P A N Y

ph 530.550.8068  
fax 530.550.8069

Post Office Box 3497  
Truckee, CA 96160

## PIONEER COMMERCE CENTER PHASE II

## BUILDING K4

PIONEER TRAIL, TRUCKEE, CALIFORNIA  
NEVADA COUNTY, APN 019-700-025

### CLIENT NAME:

HIDDEN LAKE PROPERTIES INC.  
11050 PIONEER TRAIL, SUITE 100  
TRUCKEE, CA 96161  
(530)587-2167

FILE: PCCIL Bldg K4 Const.dwg

SCALE: 1" = 50'

DATE: JUNE 26, 2023

### REVISIONS:

### DESCRIPTION:

## PROJECT LOCATION

### SHEET:

# C1

ph 530.550.8068 Post Office Box 3497  
fax 530.550.8069 Truckee, CA 96160

PIONEER TRAIL, TRUCKEE, CALIFORNIA  
NEVADA COUNTY, APN 019-700-025

C2

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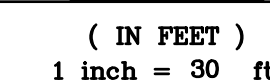
**Drainage Structure Table**  
**Pioneer Commerce Center II**  
Updated June 2023 for Building K-4

**Net Export: 1,139 cubic yards**



THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPE, CONDUIT, OR STRUCTURES SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF THE AVAILABLE RECORDS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS, AND OTHER STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS.

DATE \_\_\_\_\_ CONTRACTOR INITIAL \_\_\_\_\_



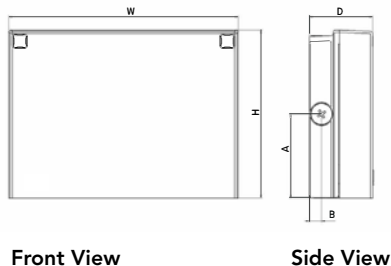




# WPX LED Wall Packs



## Specifications



Luminaire	Height (H)	Width (W)	Depth (D)	Side Conduit Location		Weight
				A	B	
WPX1	8.1" (20.6 cm)	11.1" (28.3 cm)	3.2" (8.1 cm)	4.0" (10.3 cm)	0.6" (1.6 cm)	6.1 lbs (2.8kg)
WPX2	9.1" (23.1 cm)	12.3" (31.1 cm)	4.1" (10.5 cm)	4.5" (11.5 cm)	0.7" (1.7 cm)	8.2 lbs (3.7kg)
WPX3	9.5" (24.1 cm)	13.0" (33.0 cm)	5.5" (13.7 cm)	4.7" (12.0 cm)	0.7" (1.7 cm)	11.0 lbs (5.0kg)

Catalog Number	Item 6.1
Notes	
Type	

Hit the Tab key or mouse over the page to see all interactive elements.

## Introduction

The WPX LED wall packs are energy-efficient, cost-effective, and aesthetically appealing solutions for both HID wall pack replacement and new construction opportunities. Available in three sizes, the WPX family delivers 1,550 to 9,200 lumens with a wide, uniform distribution.

The WPX full cut-off solutions fully cover the footprint of the HID glass wall packs that they replace, providing a neat installation and an upgraded appearance. Reliable IP66 construction and excellent LED lumen maintenance ensure a long service life. Photocell and emergency egress battery options make WPX ideal for every wall mounted lighting application.

## Ordering Information

### EXAMPLE: WPX2 LED 40K MVOLT DDBXD

Series	Color Temperature	Voltage	Options	Finish
WPX1 LED P1	1,550 Lumens, 11W <sup>1</sup>	30K 3000K	MVOLT 120V - 277V	(blank) None
WPX1 LED P2	2,900 Lumens, 24W	40K 4000K	347 347V <sup>3</sup>	E4WH Emergency battery backup, CEC compliant (4W, 0°C min) <sup>2</sup>
WPX2 LED	6,000 Lumens, 47W	50K 5000K	E14WC Emergency battery backup, CEC compliant (14W, -20°C min) <sup>2</sup>	PE Photocell <sup>3</sup>
WPX3 LED	9,200 Lumens, 69W			

Note: The lumen output and input power shown in the ordering tree are average representations of all configuration options. Specific values are available on request.

### NOTES

1. All WPX wall packs come with 6kV surge protection standard, except WPX1 LED P1 package which comes with 2.5kV surge protection standard. Add SPD6KV option to get WPX1 LED P1 with 6kV surge protection. Sample nomenclature: WPX1 LED P1 40K MVOLT SPD6KV DDBXD
2. Battery pack options only available on WPX1 and WPX2.
3. Battery pack options not available with 347V and PE options.

## FEATURES & SPECIFICATIONS

### INTENDED USE

The WPX LED wall packs are designed to provide a cost-effective, energy-efficient solution for the one-for-one replacement of existing HID wall packs. The WPX1, WPX2 and WPX3 are ideal for replacing up to 150W, 250W, and 400W HID luminaires respectively. WPX luminaires deliver a uniform, wide distribution. WPX is rated for -40°C to 40°C.

### CONSTRUCTION

WPX feature a die-cast aluminum main body with optimal thermal management that both enhances LED efficacy and extends component life. The luminaires are IP66 rated, and sealed against moisture or environmental contaminants.

### ELECTRICAL

Light engine(s) configurations consist of high-efficacy LEDs and LED lumen maintenance of L90/100,000 hours. Color temperature (CCT) options of 3000K, 4000K and 5000K with minimum CRI of 70. Electronic drivers ensure system power factor >90% and THD <20%. All luminaires have 6kV surge protection (Note: WPX1 LED P1 package comes with a standard surge protection rating of 2.5kV. It can be ordered with an optional 6kV surge protection). All photocell (PE) operate on MVOLT (120V - 277V) input.

Note: The standard WPX LED wall pack luminaires come with field-adjustable drive current feature. This feature allows tuning the output current of the LED drivers to adjust the lumen output (to dim the luminaire).

### INSTALLATION

WPX can be mounted directly over a standard electrical junction box. Three 1/2 inch conduit ports on three sides allow for surface conduit wiring. A port on the back surface allows poke-through conduit wiring on surfaces that don't have an electrical junction box. Wiring can be made in the integral wiring compartment in all cases. WPX is only recommended for installations with LEDs facing downwards.

### LISTINGS

CSA Certified to meet U.S. and Canadian standards. Suitable for wet locations. IP66 Rated. DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at [www.designlights.org/QPL](http://www.designlights.org/QPL) to confirm which versions are qualified. International Dark Sky Association (IDA) Fixture Seal of Approval (FSA) is available for all products on this page utilizing 3000K color temperature only.

### WARRANTY

5-year limited warranty. This is the only warranty provided and no other statements in this specification sheet create any warranty of any kind. All other express and implied warranties are disclaimed. Complete warranty terms located at: [www.acuitybrands.com/CustomerResources/Terms\\_and\\_conditions.aspx](http://www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx).

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25°C. Specifications subject to change without notice.



One Lithonia Way • Conyers, Georgia 30012 • Phone: 1-800-705-SERV (7378) • [www.lithonia.com](http://www.lithonia.com)  
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## Electrical Load

Luminaire	Input Power (W)	120V	208V	240V	277V	347V
WPX1 LED P1	11W	0.09	0.05	0.05	0.04	0.03
WPX1 LED P2	24W	0.20	0.12	0.10	0.09	0.07
WPX2	47W	0.39	0.23	0.20	0.17	0.14
WPX3	69W	0.58	0.33	0.29	0.25	0.20

## Projected LED Lumen Maintenance

Data references the extrapolated performance projections in a 25°C ambient, based on 6,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	50,000	75,000	100,000
Lumen Maintenance Factor	>0.94	>0.92	>0.90

## Lumen Output

Luminaire	Color Temperature	Lumen Output
WPX1 LED P1	3000K	1,537
	4000K	1,568
	5000K	1,602
WPX1 LED P2	3000K	2,748
	4000K	2,912
	5000K	2,954
WPX2	3000K	5,719
	4000K	5,896
	5000K	6,201
WPX3	3000K	8,984
	4000K	9,269
	5000K	9,393

## Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-50°C (32-122°F).

Ambient	Ambient	Lumen Multiplier
0°C	32°F	1.05
5°C	41°F	1.04
10°C	50°F	1.03
15°C	59°F	1.02
20°C	68°F	1.01
25°C	77°F	1.00
30°C	86°F	0.99
35°C	95°F	0.98
40°C	104°F	0.97

## HID Replacement Guide

Luminaire	Equivalent HID Lamp	WPX Input Power
WPX1 LED P1	100W	11W
WPX1 LED P2	150W	24W
WPX2	250W	47W
WPX3	400W	69W

## Emergency Egress Battery Packs

The emergency battery backup is integral to the luminaire — no external housing or back box is required. The emergency battery will power the luminaire for a minimum duration of 90 minutes and deliver minimum initial output of 550 lumens. Both battery pack options are CEC compliant.

Battery Type	Minimum Temperature Rating	Power (Watts)	Controls Option	Ordering Example
Standard	0°C	4W	E4WH	WPX2 LED 40K MVOLT <b>E4WH</b> DDBXD
Cold Weather	-20°C	14W	E14WC	WPX2 LED 40K MVOLT <b>E14WC</b> DDBXD

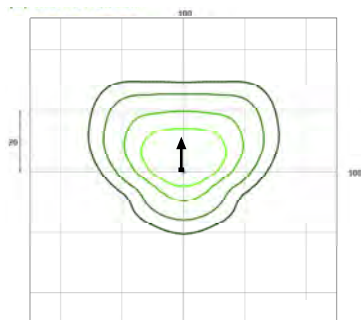
## Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit the Lithonia Lighting [WPX LED](https://www.lithonia.com) homepage. Tested in accordance with IESNA LM-79 and LM-80 standards

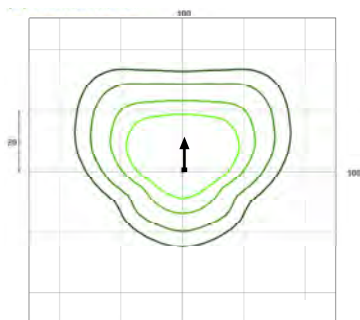
## LEGEND

0.1 fc
0.2 fc
0.5 fc
1.0 fc

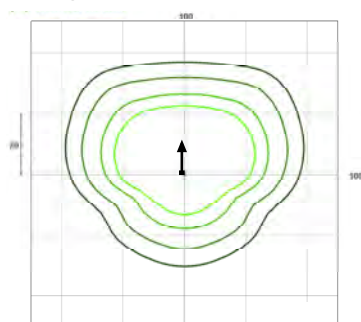
WPX1 LED P1



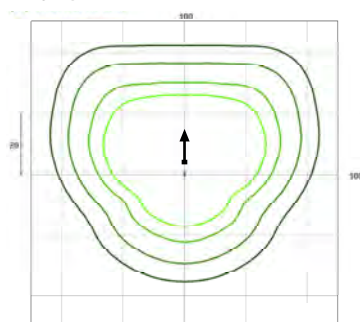
WPX1 LED P2



WPX2 LED



WPX3 LED



Mounting Height = 12 Feet.

**RESOLUTION 2023-14  
EXHIBIT "B"**

**APPLICATION 2023-00000107/DP-ZC  
PIONEER COMMERCE CENTER BUILDING K-4 DEVELOPMENT PERMIT AND  
ZONING CLEARANCE**

**CONDITIONS OF APPROVAL**

**General Conditions of Approval**

1. A Development Permit and Zoning Clearance are hereby approved for the construction of Building K-4, an 11,840 square foot boat storage building located within Pioneer Commerce Center Phase II on APN 019-700-015, as detailed on the approved plans and as described in the October 17, 2023 Planning Commission staff report, on file in the Community Development Department, except as modified by these conditions of approval. The land use entitlements for the project include the following: **1) Development Permit** approval for projects that involve new non-residential structure(s) with 7,500 square feet or more of total gross floor area and/or 26,000 square feet or more of site disturbance; and **2) Zoning Clearance** approval for commercial parking and vehicle storage, a permitted use in the M (Manufacturing) zoning pursuant to the Pioneer Commerce Center Planned Development (Planning Commission Resolution 2019-10). **(Planning Division Recommendation)**
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. A meeting with the Planning and Engineering Divisions is required prior to submittal of a grading or building permit application to review the conditions of approval and identify any changes in the project from the approved plan set. The applicant shall pay the hourly rate of staff time for this meeting and review of any proposed changes. An Administrative Review fee based on three hours of staff time shall be submitted as an initial deposit prior to scheduling the meeting. The staff time rates shall be based on the Town of Truckee fee schedule in effect at the time of building permit submittal. **(Planning Division Recommendation)**
3. A matrix or letter shall be submitted as part of any grading or building permit application indicating how each condition has been met. Review of building permits will not commence until an itemized list of conditions of approval and status is provided. As part of the matrix or letter, the applicant shall identify any changes made to the approved plan set design. **(Planning Division Recommendation)**
4. The effective date of approval shall be October 30, 2023, unless the approval is appealed to the Town Council by 5:00 p.m. on October 27, 2023. In accordance with Development Code Section 18.84.050, the approval of the Development Permit and Zoning Clearance shall be exercised within two (2) years of the effective date of approval (by October 30, 2025), and the project shall be completed within four (4) years after the effective date of approval (by October 30, 2027). Otherwise, the approval shall become null and void unless an extension of time is granted by the Planning Commission, in compliance with Section 18.84.055 (Time Extensions). **(Planning Division Recommendation)**

5. The Community Development Director may authorize minor alterations to the approved plans and conditions of approval in accordance with Development Code Section 18.84.070.B.1 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 site to ensure consistency with the Town Design Guidelines and Truckee 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 Development Code Section 18.84.070.B.2. **(Planning Division Recommendation)**
6. Except as modified by these conditions of approval, the project shall comply with all applicable provisions and standards of the Truckee Development Code (effective date June 22, 2023). **(Planning Division Recommendation)**
7. Any fees due to the Town of Truckee for processing this project shall be paid to the Town within thirty (30) calendar days of issuance of a final invoice. 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 Recommendation)**
8. 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 Recommendation)**
9. Prior to commencement of any work on the site, the applicant shall obtain building permit(s) for all work on the building(s) and site. Complete building plans and engineering in accordance with the current 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. Please contact the Building Division at (530) 582-7821 to determine what permits are required. **(Planning Division Recommendation)**
10. Prior to grading or building permit issuance, a survey prepared by a licensed surveyor shall be submitted that shows topography and easements on the property. **(Planning Division Recommendation)**
11. 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 Recommendation***)

12. Prior to issuance of any grading or building permits for the project, the applicant shall provide performance guarantees with sufficient legal commitments and financial sureties to guarantee the faithful performance of any and all conditions of approval and completion of the phase or to guarantee the restoration of the site if the phase is not completed. The form, manner, and amount of the guarantee shall comply with the requirements of the Town Attorney and shall be reviewed and approved by the Community Development Director prior to issuance of permits. (***Development Code Section 18.84.040***)
13. Prior to the issuance of grading or building permits, the applicant shall submit payment to the Planning Division of a construction mitigation monitoring fee. The fee amount is established by the Town Fee Schedule in effect at the time of building permit issuance. The current construction monitoring fee is \$1,423. (***Planning Division Recommendation***)
14. ***Construction Hours:*** Hours of operation of construction activities shall be limited to Monday through Saturday from 7:00 AM and 9:00 PM and Sunday and any federally designated holidays from 9:00 AM and 6:00 PM, unless the Community Development Director authorizes an extension of the time limitations based on the finding that the noise levels from the construction activities will not negatively affect the residential uses in the surrounding area. If a noise complaint is received after the construction time limits are extended, the Community Development Director has the ability to render the extended time limits null and void and the applicant shall revert to the aforementioned hours of operation time limitations. 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 Division Recommendation***)

### **Engineering Division Conditions**

9. Prior to building (grading) permit issuance, the project proponents shall submit improvement plans 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; shall comply with the design standards identified in Water Quality Order No. 2013-0001-DWQ NPDES General Permit No. CAS000004, such as hydro-modification requirements, or the most current Phase 2 Municipal Separate Storm Sewer System (MS4) Permit; and shall comply with the Statewide Construction General Permit No. 2009-009-DWQ or most current 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 Recommendation)***

15. Prior to building (grading) permit issuance, the project proponents shall provide identification of all existing drainage on the property and adjacent properties, 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. ***(Engineering Division Recommendation)***
16. Prior to building permit issuance, the applicant shall submit a Best Management Practice (BMP) operation and maintenance plan to the Town Engineer for review and approval. Recordation of the operation and maintenance plan for permanent structural treatment control BMPs installed by the project may be required depending on the type of permanent BMP proposed. The property owner shall submit yearly BMP operation and maintenance certifications to the Engineering Division according to the Water Quality Order No. 2013-0001-DWQ NPDES General Permit No. CAS000004 or the most current Phase 2 Municipal Separate Storm Sewer System (MS4) Permit. ***(Engineering Division Recommendation)***
17. Prior to building permit issuance, the applicant shall pay traffic impact fees applicable at the time of building permit issuance. As of October 5, 2023, the estimated traffic impact fees based on the proposed 11,840 Square Feet (SF) boat storage building are calculated as  $11,840 \text{ SF} \times \$2.81/\text{SF}$  (Warehouse Use) = **\$33,270**. 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 issuance. ***(Engineering Division Recommendation)***
18. Prior to building permit issuance, the applicant shall pay facilities impact fees applicable at the time of building permit issuance. As of October 5, 2023, the estimated facilities impact fees based on the proposed 11,840 Square Feet (SF) boat storage building are calculated as  $11,840 \text{ SF} \times \$1.03/\text{SF}$  (Warehouse Use) = **\$12,195**. The actual facilities impact fees will be based upon the latest fee schedule adopted by the Town Council in effect at the time of building permit issuance. ***(Engineering Division Recommendation)***
19. Structures shall be designed such that snow will not shed into pedestrian areas or onto parked vehicles. ***(Engineering Division Recommendation)***
20. Prior to building permit issuance, provide a snow removal/storage plan for approval by Town Engineer that shows snow storage calculations (50% of the paved area), locations, and how snow will be put in those locations. Snow storage locations should be easily accessible (i.e., no curbs). Provide snow storage as close to the source as possible. ***(Engineering Division Recommendation)***

21. Prior to certificate of occupancy, all roadway, drainage, frontage and utility improvements shall be constructed and approved by the respective responsible agencies or a financial surety in the following amounts consistent with section 18.108 of the Development Code and to the satisfaction of the Town Engineer:
- If provided as a cash deposit, 125% of the costs of the remaining improvements.
  - If provided as a bond or letter of credit, a guarantee for Faithful Performance equal to 100% of the costs of the remaining improvements and a guarantee for Materials and Labor equal to 100% of the costs of the remaining improvements.
- “Cost of remaining improvements” includes construction management costs. The limits of the remaining improvements will be reviewed and approved by the Town Engineer.  
**(Engineering Division Recommendation)**
22. Prior to building (grading) permit issuance, approvals from individual utility providers impacted by the development shall be obtained and copies of approvals shall be provided to the Town Engineer to ensure there are no objections by affected utilities and that the project proponents are coordinating improvements. **(Engineering Division Recommendation)**
23. Prior to building (grading) permit issuance, approval from the Lahontan Regional Water Quality Control Board shall be obtained and copies of approvals shall be provided to the Town Engineer. **(Engineering Division Recommendation)**

#### **Project-Specific Conditions of Approval**

24. 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)**
25. All units of the boat storage buildings shall be accessible at all times. **(Planning Commission Resolution 2005-03)**
26. The approved use for the boat storage building is commercial parking and vehicle storage. No onsite repairs or maintenance are allowed. **(Planning Division Recommendation)**
27. All building materials and colors shall be consistent with the approved plans. Final review and approval of the materials by the Community Development Director is required prior to grading or building permit issuance. **(Planning Division Recommendation)**
28. 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 Division Recommendation)**
29. Prior to building permit issuance, any/all roof-mounted and ground-mounted equipment shall be shown on the plans for review and approval. Roof-mounted equipment shall comply with the height requirements of the applicable zoning district. Prior to final occupancy, any/all roof-mounted and ground-mounted equipment shall be screened with

an architectural compatible design, in accordance with Development Code Section 18.30.110.D. **(Planning Division Recommendation)**

30. Prior to building permit issuance, the applicant shall provide a dust suppression plan, in compliance with Development Code Section 18.30.030 (Air Emissions). **(Development Code Section 18.30.030)**
31. Cultural Resources: If human remains are encountered during construction, the County Coroner shall be notified. If the remains are determined to be Native American, the Coroner has 24 hours to notify the Native American Heritage Commission of the findings. **(Development Code Section 18.30.040)**
32. Exterior Lighting: Prior to building permit issuance, a lighting plan identifying locations, types, and lumens for all lights on site, including building and site lighting shall be submitted. All lights are required to be fully shielded and shall not trespass onto adjacent properties. The fixture design(s) shall be reviewed and approved by the Community Development Director for compliance with the Development Code and compatibility with the architecture. A photometric plan and/or a light output plan may be required if there appears to be lights close to property lines or if the Community Development Director determines that there is a potential excess of lighting. If the photometric study shows that light will trespass onto adjacent properties or the light output from the light fixtures overlap, the lighting plan shall be modified and/or light fixtures shall be removed. Timers and sensors are required to be used to ensure that excessive lighting is avoided. The lighting for the project, shall not exceed 100,000 lumens per acre and shall be limited to the minimum necessary to address building code or safety concerns as identified by the Chief Building Official or lighting specialist. Lights shall be color corrected with warm color temperatures, 3,000K or less). **(Planning Division Recommendation)**
33. Parking: A total of 258 on-site parking spaces are required for the overall Phase II project. Nine surface parking spaces shall be constructed to the west of Building K-4 as part of the current project, as identified on the site plan approved on October 17, 2023. **(Planning Division Recommendation)**
34. The parking and circulation dimensions shall be in compliance with Development Code Chapter 18.48 (Parking and Loading Standards). All parking spaces and walkways shall be kept clear of snow so they are useable year-round, except for temporary snow storage locations approved as part of an approved snow off-haul plan. Snow must be kept on the confines of the property as approved, and may not be moved onto or stored on the Town maintained right-of-way or Town snow storage easements, unless specifically approved by the Town Engineer. **(Development Code Chapter 18.48)**
35. Bicycle parking is required in compliance with Development Code Section 18.48.090 (Bicycle Parking and Support Facilities), which requires all non-residential uses to provide short-time bicycle parking at a rate of 15 percent of the required parking demand for the project, with at least 3 bicycle parking spaces required in all case. Per Development Code Section 18.48.040 (Number of Parking Spaces Required), the parking demand for the boat storage building is 5 parking spaces (based on a parking demand for "warehouse and storage facilities" of 1 space per 2,000 sq. ft. of gross floor area for the first 10,000 sq. ft. and 1 space per 5,000 sq. ft. thereafter). This results in a parking demand of 5 parking spaces based on 11,840 sq. ft. of gross floor area ( $10,000 \text{ sf} / 2,000 \text{ sf} = 5 \text{ spaces} + 1,840 / 5,000 \text{ sq. ft.} = 0.4 \text{ space}$  for a total of 5.4 spaces, rounded down to 5 spaces per

Development Code Section 18.03.020. C, Calculations—Rounding). A minimum of 3 bicycle parking spaces is required. The bicycle parking spaces may be located at the west end of Building L of Pioneer Commerce Center Phase II. The applicant shall demonstrate compliance with these requirements prior to building permit issuance. **(Planning Division Recommendation)**

36. Solid Waste and Recycling: Prior to building permit issuance, a final solid waste plan shall be approved by the Planning Division to verify that the project is in compliance with Development Code Section 18.30.150 (Solid Waste/Recyclable Material Storage), including but not limited to minimum solid waste and recyclable material storage area requirements, and in compliance with State of California requirements for food waste. The applicant shall provide a copy of a “will-serve” letter or equivalent from Tahoe Truckee Sierra Disposal (TTSD) to ensure that the final solid waste and recycling collection plan will be serviced by TTSD. The proposed storage areas are required to be located within 250 feet of an access doorway to the units which they are intended to serve and should accommodate storage of all mixed waste, recyclables and cardboard. The storage areas shall be properly screened and resistant to wildlife. Storage areas are required to be compatible with the project and surrounding structures and land uses and screened from the public right-of-way. The solid waste and recycling receptacle area(s) shall be designed to divert drainage from adjoining roofs and pavement around the receptacle. The solid waste and recycling receptacle(s) shall also be covered when not in use or during storm events. The applicant shall pay to have the project site serviced as frequently as necessary to ensure there is no stockpiling of food byproducts, garbage, packaging materials, etc. and to reduce potential impacts on adjacent properties in terms of odors, wildlife nuisances, etc. The solid waste and recyclables storage areas shall be kept tidy and free from loose debris at all times. **(Planning Division Recommendation, Development Code Section 18.30.150)**
37. Signage: No new signs are proposed or approved as part of this approval, including any “A-frame” or similar temporary signage. All future signage shall require review and approval of a Sign Plan application by the Planning Division and compliance with all development standards specified in Development Code Chapter 18.54 (Signs) unless the signage is determined to be consistent with an existing Comprehensive Sign Program. The required Sign Plan review fee will be based on the Town of Truckee fee schedule in effect at the time the Sign Plan application is submitted. **(Planning Division Recommendation)**
38. Temporary Signage: No temporary signage is approved with this project. Any future temporary signage shall be required to apply for a Temporary Sign Permit for review and approval. **(Planning Division Recommendation)**
39. No outdoor uses (including outdoor storage and work areas or outdoor sales and display areas) are approved as part of this project. **(Planning Division Recommendation)**
40. The applicant must comply with Americans with Disabilities Act and California Building Code accessibility requirements. Compliance with these requirements is the responsibility of the business and building owner(s). **(Building Division Recommendation)**
41. The applicant must comply with all current California Building Code requirements in effect at the time of a complete building permit submittal, including solar PV requirements. A geotechnical report will be required. **(Building Division Recommendation)**

42. The applicant is responsible for complying with all requirements of the Truckee Fire Protection District. Verification of compliance with the agency requirements is required prior to grading or building permit issuance. ***(Truckee Fire Protection District Requirement)***
43. The applicant is responsible for complying with all requirements of the Truckee Donner Public Utility District, including the following: The Owner/Developer will be required to comply with District rules and regulations for the proposed project. An agreement for the modification of facilities will be necessary. The detailed scope of work and the associated costs will be determined based on the District's review of the completed development application and supporting documentation. Verification of compliance with the agency requirements is required prior to grading or building permit issuance. ***(Truckee Donner Public Utility District Requirement)***
44. The applicant is responsible for complying with all requirements of the Truckee Sanitary District. Verification of compliance with the agency requirements is required prior to grading or building permit issuance. ***(Truckee Sanitary District Requirement)***
45. The applicant is responsible for complying with all requirements of the Nevada County Environmental Health Department. Verification of compliance with the agency requirements is required prior to grading or building permit issuance. ***(Nevada County Environmental Health Department Requirement)***
46. The project limits are located within Compatibility Zone D (Primary Traffic Pattern Zone) of the Truckee Tahoe Airport Land Use Compatibility Plan (TTALUCP). An overflight easement per the requirements of the Truckee Tahoe Airport Land Use Commission (TTALUC) shall be recorded for all projects located within the Primary Traffic Pattern Zone. ***(Nevada County Transportation Commission Requirement)***



**RESOLUTION 2023-14  
EXHIBIT C**

**APPLICATION 2023-00000107/DP-ZC  
PIONEER COMMERCE CENTER BUILDING K-4 DEVELOPMENT PERMIT AND ZONING  
CLEARANCE**

**FINDINGS**

**DEVELOPMENT PERMIT/ZONING CLEARANCE:**

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 generally consistent with the Development Code, Town Municipal Code, and the Public Improvements and Engineering Standards, as modified by the recommended conditions of approval and mitigation measures. This finding is supported by the discussions contained in the October 17, 2023 Planning Commission staff report.

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, Trails Master Plan, and Particulate Matter Air Quality Management Plan, as modified by the recommended conditions of approval and mitigation measures. The project site is not located within a Specific Plan area. This finding is supported by the discussions contained in the October 17, 2023 Planning Commission staff report.

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 discussions contained in the October 17, 2023 Planning Commission staff report in conjunction with the recommended conditions of approval and mitigation measures.

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.**

Staff has determined that the project is exempt from the California Environmental Quality Act (CEQA) per Section 15332 of the CEQA Guidelines, which applies to in-fill development projects. The proposed project is consistent with the applicable general plan designation, all applicable general plan policies, the applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as

habitat for endangered, rare or threatened species; approval of the project would not result in significant effects relating to traffic, noise, air quality or water quality; and the site can be adequately served by all required utilities and public services.

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 previously reviewed the Phase II project and required conditions of approval which ensure the adequate provision of access and fire protection. The site is currently served by the Truckee Donner Public Utilities District and by the Truckee Sanitary District and the applicant shall be required to comply with the requirements of both agencies 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 October 17, 2023 Planning Commission staff report in conjunction with the recommended conditions of approval and mitigation measures. 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.

Town of Truckee Community Development Department  
10183 Truckee Airport Road  
Truckee, California 96161

August 3, 2023

Re: Development Permit Application  
*Pioneer Commerce Center Phase II, Building K-4*

On behalf of Hidden Lake Properties, enclosed are the following to support a Development Permit Application for Building K-4 of the Pioneer Commerce Center Phase II Project:

- Completed Land Use / Zoning Application;
- Completed Development Permit Submittal Checklist;
- Completed Environmental Application;
- Architectural Drawings (six sheets); and
- Civil Site and Grading/Drainage Drawings (two sheets).

Background:

The purpose of this application is for re-approval of Boat Storage Building K-4 as the Development Permit for construction of the building (Resolution 2016-13) has expired:

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*)

Pioneer Commerce Center Phases I (south) and II (north) were originally approved in 2001 (Resolution 2001-25). Subsequent Resolutions 2005-01 through 2005-04 modified the original approval with respect to Environmental Review, Floor Area Ratios, Floor Space (by type of use) and the original Parcel Map. Planning Commission Resolution 2016-13 approved construction of the last six buildings (K-1, K-3, K-4, H, L and M). Subsequent Resolutions (2017-16 and 2019-10) amended the uses and sizes of Buildings H and M and allowable floor areas for restaurant related uses respectively.

The 2016 Application's Land Use Zoning Application, Environmental Application and Letter of Justification very specifically described the need for a realistic construction period to complete construction:

- Project Description/Request: *...Establish a project schedule for construction...*
- Environmental Application: Project Description: *...change schedule for construction...*
- Letter of Justification: *"This Development Permit Application proposed to allow completion of Phase II of the Pioneer Commerce Center over a 10-year period. This timing, as compared to the typical four-year limit, is necessary to allow construction of the remaining buildings in response to market demand for boat storage ("K" buildings) and general manufacturing/industrial floor*

*space ("H", "L" and "M") rather than speculation. A 10-year timeframe eliminates the very likely requirement to make yet another application to the Town and the resulting use of Staff and Planning Commission time to review a twice approved project that does not propose any changes."*

The 2016 Planning Commission Resolution's allowed time frame of four years to complete six buildings was entirely unrealistic as noted by Hidden Lake Properties at the time. The Staff Report for the 2017 Application noted the requested 10-year construction window but that was not addressed by the Staff or Planning Commission at the time. Hidden Lake Properties was able to complete five of the six buildings within the four-year construction window of Resolution 2016-13, but not K-4.

This Development Application is to allow construction of Building K-4, the last building in the Pioneer Commerce Center Phases I and II Project. The building's footprint is smaller than allowed by Resolution 2016-13; all other aspects of the building and site improvements are entirely consistent with the previous approval(s). The premanufactured metal building (PMB) has been ordered and construction drawings (architectural, structural, electrical, metal building and civil) have been completed and were submitted to the Town on July 6th as Hidden Lake Properties was not aware the time-frame to construct the building had expired.

Sincerely,



Ciro Mancuso  
President, Hidden Lake Properties, Inc.

Town of Truckee Community Development Department  
Ms. Laura Dabe  
10183 Truckee Airport Road  
Truckee, California 96161

September 11, 2023

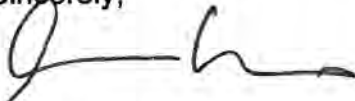
Re: Development Permit and Zoning Clearance Application 2023-0000107/DP-ZC  
*Pioneer Commerce Center Phase II, Building K-4*

On behalf of Hidden Lake Properties, enclosed is additional information requested on September 5, 2023 for the referenced project:

- The Landscape Plan approved as part of Resolution 00-111. Note that no landscaping was proposed or required for the "K" Boat Storage Buildings at that time and none is proposed as part of the current application;
- A parking analysis for Pioneer Commerce Center Phase II was prepared in 2017 and approved as part of Resolution 2017-16. The portion of the analysis related to the Boat Storage Buildings included the square footage for Building K-4 and showed nine spaces east of the structure. As shown on the Sheets C-1 and C-2 of the K-4 application, those nine spaces will be constructed as part of the site improvements;
- At present, the Pioneer Commerce Center Phase II project provides a total of 10 bike parking spaces (two at the south end of Building L, two at Building M and six at Building L). Rather than construct bike parking adjacent to Building K-4 that will not be used, Hidden Lake Properties proposes to construct three new bike parking spaces on the west end of Building L;
- As shown on Sheet C-2, trash enclosures (four trash and one cardboard recycle) for all of Pioneer Commerce Center Phase II are located at the east end of Building L behind a screen wall/fence. The designated area is approximately 70-foot long and has capacity for at least three additional enclosures, if necessary, considering the Boat Storage Buildings do not generate trash with the exception of the small office in K-1;
- Enclosed are cut sheets for the proposed exterior lighting fixtures;
- The architectural drawings have been revised to show the color of the Building (Charcoal Grey) and are enclosed; and
- The Hearing Notification Sign has been posted at the entrance to the boat storage area as shown on the accompanying photo.

Please do not hesitate to contact me at 530-587-2167 or by email at [ciro.m@me.com](mailto:ciro.m@me.com)

Sincerely,



Ciro Mancuso  
President, Hidden Lake Properties, Inc.

enclosures



DATE: October 5, 2023

TO: Laura Dabe, Associate Planner

FROM: Michael Vaughan, Senior Engineer

SUBJECT: Engineering Division Conditions for Application 2023-107/DP-ZC (Pioneer Commerce Center – Building K-4) located on APN 019-700-025

The Engineering Division has reviewed the subject application and has the following proposed conditions.

Proposed Engineering Division Conditions of Approval

1. Prior to building (grading) permit issuance, the project proponents shall submit improvement plans 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; shall comply with the design standards identified in Water Quality Order No. 2013-0001-DWQ NPDES General Permit No. CAS000004, such as hydro-modification requirements, or the most current Phase 2 Municipal Separate Storm Sewer System (MS4) Permit; and shall comply with the Statewide Construction General Permit No. 2009-009-DWQ or most current 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)**

2. Prior to building (grading) permit issuance, the project proponents shall provide identification of all existing drainage on the property and adjacent properties, 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. **(Engineering Division)**
3. Prior to building (grading) permit issuance, the applicant shall provide an erosion control plan and stormwater quality plan, per the requirements of the Town of Truckee for review and approval that shows temporary construction BMPs and permanent on-site treatment of the 85th percentile, 24-hour storm. The plan shall provide details for the proposed project stormwater collection and treatment including the safe release of overflow. **(Engineering Division)**
4. Prior to building permit issuance, the applicant shall submit a Best Management Practice (BMP) operation and maintenance plan to the Town Engineer for review and approval. Recordation of the operation and maintenance plan for permanent structural treatment control BMP's installed by the project may be required depending on the type of permanent BMP proposed. The property owner shall submit yearly BMP operation and maintenance certifications to the Engineering Division according to the Water Quality Order No. 2013-0001-DWQ NPDES General Permit No. CAS000004 or the most current Phase 2 Municipal Separate Storm Sewer System (MS4) Permit. **(Engineering Division)**
5. Prior to building permit issuance, the applicant shall pay traffic impact fees applicable at the time of building permit issuance. As of October 5, 2023, the estimated traffic impact fees based on the proposed 11,840 Square Feet (SF) boat storage building are calculated as  $11,840 \text{ SF} \times \$2.81/\text{SF}$  (Warehouse Use) = **\$33,270**. 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 issuance. **(Engineering Division)**
6. Prior to building permit issuance, the applicant shall pay facilities impact fees applicable at the time of building permit issuance. As of October 5, 2023, the estimated facilities impact fees based on the proposed 11,840 Square Feet (SF) boat storage building are calculated as  $11,840 \text{ SF} \times \$1.03/\text{SF}$  (Warehouse Use) = **\$12,195**. The actual facilities impact fees will be based upon the latest fee schedule adopted by the Town Council in effect at the time of building permit issuance. **(Engineering Division)**
7. Structures shall be designed such that snow will not shed into pedestrian areas or onto parked vehicles. **(Engineering Division)**
8. Prior to building permit issuance, provide a snow removal/storage plan for approval by Town Engineer that shows snow storage calculations (50% of the paved area), locations, and how snow will be put in those locations. Snow storage locations should be easily accessible (i.e. no curbs). Provide snow storage as close to the source as possible. **(Engineering Division)**
9. Prior to certificate of occupancy, all roadway, drainage, frontage and utility improvements shall be constructed and approved by the respective responsible agencies or a financial

surety in the following amounts consistent with section 18.108 of the Development Code and to the satisfaction of the Town Engineer:

- If provided as a cash deposit, 125% of the costs of the remaining improvements.
- If provided as a bond or letter of credit, a guarantee for Faithful Performance equal to 100% of the costs of the remaining improvements and a guarantee for Materials and Labor equal to 100% of the costs of the remaining improvements.

“Cost of remaining improvements” includes construction management costs. The limits of the remaining improvements will be reviewed and approved by the Town Engineer.  
**(Engineering Division)**

10. Prior to building (grading) permit issuance, approvals from individual utility providers impacted by the development shall be obtained and copies of approvals shall be provided to the Town Engineer to ensure there are no objections by affected utilities and that the project proponents are coordinating improvements. **(Engineering Division)**
11. Prior to building (grading) permit issuance, approval from the Lahontan Regional Water Quality Control Board shall be obtained and copies of approvals shall be provided to the Town Engineer. **(Engineering Division)**

**From:** [Mike Ross](#)  
**To:** [Laura Dabe](#)  
**Subject:** RE: Project Routing: Pioneer Commerce Center Building K-4 (Town of Truckee Application #2023-00000107)  
**Date:** Friday, September 8, 2023 1:56:22 PM

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Laura,  
 Standard requirements to follow the 2022 California Building Code of regulations and ADA. Also a Geo Tech Report.

*Mike Ross*

Town of Truckee  
 Chief Building Official  
 Office Ph (530) 582-7785  
[mross@townoftruckee.com](mailto:mross@townoftruckee.com)




---

**From:** Laura Dabe <LDabe@townoftruckee.com>  
**Sent:** Tuesday, September 5, 2023 4:27 PM  
**To:** Laura Dabe <LDabe@townoftruckee.com>  
**Subject:** Project Routing: Pioneer Commerce Center Building K-4 (Town of Truckee Application #2023-00000107)

Good afternoon,

Attached please find a copy of the project routing for Pioneer Commerce Center Building K-4 (Town of Truckee Application #2023-00000107). The application requests approval of a Development Permit and Zoning Clearance to re-approve Building K-4, a previously approved boat storage building and the remaining unconstructed building within Pioneer Commerce Center Phase II (APN 019-700-025).

The application files can be accessed using the following Dropbox link:

<https://www.dropbox.com/scl/fo/g69kiaolzaefw2iwq6n4/h?rlkey=yhzqow1hkd0zwyqr2yxw8w2ku&dl=0>

Please submit any comments you have on this application by **Tuesday, September 19, 2023.**

If you have any questions or would like additional information on this project, please feel free to let me know.

Thank you,

Laura Dabe, AICP

**General Manager**  
Brian C. Wright

**Executive  
Leadership Team**

Joe Horvath  
*Electric Utility Director/  
AGM*

Shanna Kuhlemier  
*District Clerk*

Chad J. Reed  
*Water Utility Director*

Steven Poncelet  
*PIO & Strategic Affairs  
Director*

Scott Crow  
*IT Director/CIO*

Michael Salmon  
*Chief Financial Officer*

**Board of Directors**

Joseph Aguera  
Jeff Bender  
Christa Finn  
Tony Laliotis  
Kim Harris

September 18, 2023

Laura Dabe, AICP  
Associate Planner  
Town of Truckee  
10183 Truckee Airport Road  
Truckee, California 96161

Subject: APN 019-700-025 Pioneer Commerce Center Building K-4 (Application 2023-00000107/DP-ZC)

Dear Ms. Dabe:

Truckee Donner Public Utility District has reviewed the Project Routing Request for the subject project. The District's Water & Electric Departments have the following comments:

The Electric Department has the following comment on the proposed development permit and zoning clearance:

- The Owner/Developer will be required to comply with District rules and regulations for the proposed project. An agreement for the modification of facilities will be necessary. The detailed scope of work and the associated costs will be determined based on the District's review of the completed development application and supporting documentation.

The Water Department has the following comments on the proposed project:

- The Water Department has no comment on the proposed Development Permit.
- The Water Department has no comment on the proposed Zoning Clearance.

If you have any questions, or require further information, please contact me at 530-582-3915 or [sarahkraker@TDPUD.org](mailto:sarahkraker@TDPUD.org).

Sincerely,

*Sarah Kraker*

Sarah Kraker  
Records/Administration Technician

**BOARD OF DIRECTORS**

Dennis E. Anderson  
Jerry Gilmore  
Brian Kent Smart  
Nelson Van Gundy  
Marcus Waters, DC

Item 6.1

**BLAKE R. TRESAN, P.E.**  
General Manager  
Chief Engineer



September 7, 2023

Town of Truckee Planning Division  
Laura Dabe, Associate Planner  
10183 Truckee Airport Road  
Truckee, CA 96161

RE: Pioneer Commerce Center Building K-4, 2023-00000107/DP-ZC  
APN: 019-700-025

The Truckee Sanitary District (District) has reviewed the Project Routing Request for the above referenced project, and has no objections to the Pioneer Commerce Center Building K-4 development and zoning clearance request.

Sincerely,

Sarah Bergeron, P.E.  
Senior Engineer

**From:** [ksannar@nccn.net](mailto:ksannar@nccn.net)  
**To:** [Laura Dabe](mailto:Laura Dabe); [mwoodman@nccn.net](mailto:mwoodman@nccn.net)  
**Subject:** RE: Project Routing: Pioneer Commerce Center Building K-4 (Town of Truckee Application #2023-00000107)  
**Date:** Thursday, October 5, 2023 2:24:42 PM  
**Attachments:** [image001.png](#)

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Hi Laura

Yes, this project would require the Overflight Notification. If you have any further questions, please let me know.

Thank you,

**Kena D. Sannar**  
**Transportation Planner**



101 Providence Mine Road, Suite 102  
 Nevada City, California 95959  
 (530) 310-0683  
 Web Site: [www.nctc.ca.gov](http://www.nctc.ca.gov)

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**From:** Laura Dabe <LDabe@townoftruckee.com>  
**Sent:** Thursday, October 5, 2023 2:11 PM  
**To:** mwoodman@nccn.net; ksannar@nccn.net  
**Subject:** FW: Project Routing: Pioneer Commerce Center Building K-4 (Town of Truckee Application #2023-00000107)

Hi Mike and Kena,

It looks like this project is in Zone D. Would you like me to include this condition of approval?

The project limits are located within Compatibility Zone D (Primary Traffic Pattern Zone) of the Truckee Tahoe Airport Land Use Compatibility Plan (TTALUCP). An overflight easement per the requirements of the Truckee Tahoe Airport Land Use Commission (TTALUC) shall be recorded for all projects located within the Primary Traffic Pattern Zone. **(Nevada County Transportation Commission Requirement)**

Thanks,  
 Laura

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**From:** Laura Dabe



**Sent:** Tuesday, September 5, 2023 4:27 PM

**To:** Laura Dabe <[ldabe@townoftruckee.com](mailto:ldabe@townoftruckee.com)>

**Subject:** Project Routing: Pioneer Commerce Center Building K-4 (Town of Truckee Application #2023-00000107)

Good afternoon,

Attached please find a copy of the project routing for Pioneer Commerce Center Building K-4 (Town of Truckee Application #2023-00000107). The application requests approval of a Development Permit and Zoning Clearance to re-approve Building K-4, a previously approved boat storage building and the remaining unconstructed building within Pioneer Commerce Center Phase II (APN 019-700-025).

The application files can be accessed using the following Dropbox link:

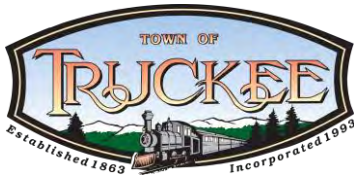
<https://www.dropbox.com/scl/fo/g69kioaolzaefw2iwq6n4/h?rlkey=yhzgow1hkd0zwyqr2yxw8w2ku&dl=0>

Please submit any comments you have on this application by **Tuesday, September 19, 2023.**

If you have any questions or would like additional information on this project, please feel free to let me know.

Thank you,

Laura Dabe, AICP  
Associate Planner  
Town of Truckee  
10183 Truckee Airport Road  
Truckee, CA 96161  
(530) 582-2937  
[LDabe@townoftruckee.com](mailto:LDabe@townoftruckee.com)

**PLANNING COMMISSION STAFF REPORT**

Meeting Date: October 17, 2023

To: Town of Truckee Planning Commission

From: Chantal Birnberg, Associate Planner

RE: Request to Continue Application No. 2022-00000153/UP-ZC (Mountain Brew Use Permit); 11260 Donner Pass Road (APN 018-760-002-000); Applicant: Soaring Seven, LLC; Owner: American Petroleum, LLC; Agent: Rob Wood, Millenium Planning

Approved by: Denyelle Nishimori, Community Development Director

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**Recommended Action:** That the Planning Commission continue this agenda item to a date and time certain at the Planning Commission hearing on November 21, 2023 at 5:00 p.m. There is no longer a quorum as multiple Planning Commissioners must recuse themselves due to conflicts.

As a reminder, the Planning Commission should open the public hearing and continue it to a date and time certain.

# EXHIBIT 13



## Planning Commission Meeting Minutes

October 17, 2023, 5:00 PM

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

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**1. Call to Order** 5:00 PM

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

**3. Pledge of Allegiance**

**4. Public Comment:**

Chair Clarin opened Public Comment.

Seeing none, Chair Clarin closed Public Comment.

**5. Approval of Minutes**

**5.1 July 18, 2023 Minutes - Regular Meeting**

Due to the lack of quorum, the July 18, 2023, Minutes were continued to the next Planning Commission meeting.

**5.2 August 15, 2023 Minutes - Regular Meeting**

Commissioner Fraiman made a motion that was seconded by Commissioner Taylor to approve the August 15, 2023 Minutes as submitted. The motion passed and carried the following vote:

**Ayes:** Chair Clarin, Commissioner Fraiman, Commissioner Taylor

**Noes:** None

**Abstain:** None

**Absent:** Vice Chair Gove, Commissioner Cavanagh

**5.3 September 27, 2023 Minutes - Special Meeting**

Due to the lack of quorum, the September 27, 2023, Minutes were continued to the next Planning Commission meeting.

**6. Public Hearings (Minor Review)**

**6.1 Pioneer Commerce Center Building K-4 Development Permit and Zoning Clearance (Application #2023-0000107/DP-ZC); APN 019-700-025 (No Address Assigned); Applicant/Owner: Ciro Mancuso, Hidden Lake Properties, Inc. Laura Dabe, Associate Planner.**

**Recommended Action:** That the Planning Commission continue the review of this project to a date and time uncertain.

**Staff Explanation for Continuation:**

Staff explained there have been new revelations today related to unpermitted work on this project. The Development Code states that the Commission cannot take action on projects for land use applications where there is an active code case.

**Public Comment:**

**Ciro Mancuso, Applicant:** We were working on the project without a permit, I accept responsibility for that. This project has been to the Planning Commission four times. No excavation had to be done there is a bit of a disagreement regarding whether the project had been expired. That is the only reason this project is coming back to the Planning Commission. It is not coming back for any comments or conditions. It was decided by staff that their permission to get a permit, which would be the entitlements from the Planning Department, that those have expired. I have a different opinion about that. This was submitted to the Community Development Department on July 6<sup>th</sup>. We were informed on July 10<sup>th</sup> that the entitlements had expired. After our investigation, it was nebulous regarding this particular building. Six days later we put an application in for this hearing.

**Commissioner Taylor made a motion that was seconded by Commissioner Fraiman to continue Application 2023-00000107 Pioneer Commerce Center Building K-4 Development Permit and Zoning Clearance to a date and time uncertain. The motion passed and carried the following vote:**

**Ayes:** Chair Clarin, Commissioner Fraiman, Commissioner Taylor

**Noes:** None

**Abstain:** None

**Absent:** Vice Chair Gove, Commissioner Cavanagh

**7. Public Hearings (Major Review)**

- 7.1 Request to Continue Application No. 2022-00000153/UP-ZC (Mountain Brew Use Permit); 11260 Donner Pass Road (APN 018-760-002-000); Applicant: Soaring Seven, LLC; Owner: American Petroleum, LLC; Agent: Rob Wood, Millennium Planning. Chantal Birnberg, Associate Planner.**

**Recommended Action:** That the Planning Commission continue this agenda item to a date and time certain at the Planning Commission hearing on November 21, 2023 at 5:00 p.m. There is no longer a quorum as multiple Planning Commissioners must recuse themselves due to conflicts.

**Staff Explanation for Continuation:**

We need a quorum to review this project, and Commissioner Fraiman and, as of last week, Commissioner Gove are conflicted out. We are hoping for a motion to continue this application to date and time certain, which would be the November Planning Commission meeting. A continuation to date and time certain avoids the need to pay for noticing for rescheduled meeting.

**Public Comment:**

None.

**Commissioner Taylor made a motion that was seconded by Commissioner Fraiman to continue Application 2022-00000153 Mountain Brew Use Permit to a date and time certain, November 21, 2023. The motion passed and carried the following vote:**

- 8. Staff Reports-** November and December Planning Commission meetings are full. Potentially 11 projects total.
- 9. Information Items**
- None.
- 10. Commission Member Reports**
- 11. Adjournment.** 5:14 PM To the next meeting of the Planning Commission, November 21, 2023 at 5:00 PM at 10183 Truckee Airport Road, Truckee, CA 96161.

Respectfully submitted,

Kayley Metroka



# EXHIBIT 14

Hidden Lake Properties, Inc.  
11050 Pioneer Trail, Suite 100  
Truckee, California 96161

February 12, 2024

Re:   Ciro Mancuso, Hidden Lake Properties, Inc.;  
      Pioneer Commerce Center Building K-4; APN 019-700-025

Dear Ms. Callaway:

This letter is to advise that I do not accept all of the conditions outlined by the Town's Chief Building Official ("CBO") regarding the above-referenced K-4 building. In response to the conditions outlined by the CBO, I have the following response:

1. *No work on dismantling the structure may commence until a demolition permit is obtained. The Town will condition the permit to provide no more than six weeks to complete the removal of the structure, which should be ample time.*

The existing structure presents no safety hazards, but dismantling the steel structure increases the potential for safety hazards from the use of a large crane to disassemble massive steel beams. This structure is a prefabricated product, fully inspected and certified by qualified engineers and subject to Special Inspections.<sup>1</sup> The on-site assembly of the structure is a matter of bolting together pre-engineered components. At the current point of construction, a Town inspection of the structure would not yet have been required. Given the lack of any safety concerns, there is no logic to dismantling the structure simply to re-erect the same structure after permits are issued. Dismantling the steel structure that has been erected is unreasonable and unnecessary, representing a retaliatory response that is not consistent with the Town's long-standing prior practice.

In an effort to reach reasonable resolution, I will agree to engage a Special Inspector to review and evaluate the assembly and bolting that has been completed to date. All future construction will be monitored by a licensed Structural Engineer and all required Special Inspections will be performed.

2. *Mr. Mancuso can winterize the site if he wishes to, but will not be required to do so.*

There is no need to winterize the site. The current slab and structure pose no dangers in winter conditions.

3. *The site must be secured, so that no vehicular or pedestrian access is possible, including from the boat storage facility.*

The site has been and will remain secured at all times until the stop work order is released.

4. *No reconstruction of the structure can occur until land use approvals and a building permit have been obtained, which will also entail obtaining approval from Truckee Fire and the Truckee Donner Public Utility District.*

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<sup>1</sup> See, K4 Building Permit Submittal to Town of Truckee and all attachments thereto, dated June 30, 2023.

Hidden Lake Properties, Inc.  
11050 Pioneer Trail, Suite 100  
Truckee, California 96161

I have no intention of proceeding with additional construction until all necessary approvals are obtained.

5. *The Town will need to inspect the slab, core testing will need to be conducted, and all observations from the slab construction phase will need to be provided to the Town.*

The Town may inspect the slab at any time. Core testing is not necessary as certifications and data from the structural engineer and the concrete supplier, including observations from the slab construction phase, have been provided to the CBO.<sup>2</sup> The Chief Building Official needs details concerning how the rebar in the slab was bonded and grounded. The concrete work is not complete and additional concrete will be installed to complete the scope. The Town will have the opportunity to inspect the installation at the time of construction to review bonding and grounding. All of the existing concrete work was completed under the supervision of the Structural Engineer of Record.

6. *The Town will charge an after-the-fact permit fee for the slab.*

I will pay any fees and/or penalties required by the Town's Development Code.

Assuming the above conditions remain unacceptable to the Town, it seems clear that we have reached an impasse. Accordingly, if the Town intends to issue a notice and order of abatement, I am willing to waive my right to a hearing before the Code Enforcement Director (Development Code, § 18.200.050(D)) and proceed directly to appeal before the Town Council (Development Code, § 18.200.050(F)).

The history of this project is relevant when evaluating the appropriateness of the remedy. While I recognize the Planning Commission must take discretionary action to approve the Development Permit prior to issuance of a building permit, it is clear from the record that there is no controversy around the Development Permit or the K-4 building.<sup>3</sup> "[T]he Pioneer Commerce Center has functioned as one of the primary industrial centers within the town. The continued buildout of more industrial square footage achieves the Town's goals of providing adequate industrial floor area in an area designated for such uses. The Center is well-designed, with high-quality architecture throughout .... The continued buildout of more industrial square footage will provide a wider range of options for industrial uses within the town." (Planning Commission Staff Report (Oct. 17, 2023).)

The Pioneer Commerce Center Phase II was originally approved in 2005, authorizing construction of 11 buildings. Building K-4 is the final remaining building to be constructed in

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<sup>2</sup> See Letter from Maple Brook Engineering, Inc. to Town of Truckee re Pre-Pour Foundation Observation, Pioneer Commerce Center Boat Building K4 (July 21, 2023); Letter from Maple Brook Engineering, Inc. to Town of Truckee re Pre-Pour Slab Observation, Pioneer Commerce Center Boat Building K4 (July 28, 2023); Email from C. Mancuso to M. Ross re Strength Performance Reports from TNT Materials (concrete supplier) and attached TNT Strength Performance Reports (Oct. 27, 2023); Email from C. Mancuso to M. Ross re Pioneer Boat Storage K-4-Geotech (Nov. 1, 2023).

<sup>3</sup> See Planning Commission Meeting Agenda Packet, Item 6.1 (Oct. 17, 2023); Email to C. Mancuso from L. Dabe re K4 (Sept. 25, 2023).

Hidden Lake Properties, Inc.  
11050 Pioneer Trail, Suite 100  
Truckee, California 96161

the center. As the Staff Report for the October 17, 2023 Planning Commission meeting makes clear, in 2016 I requested a 10-year timeframe to complete construction of the remaining buildings, but Planning Staff has interpreted the existing Development Permit to require completion of construction within 4 years. The K-4 building is consistent with the existing Development Permit. Thus, the alleged need for a new Development Permit is due only to the passage of time and the Town's apparent disregard for my request to construct over 10 years.

Despite the lack of controversy and that Planning Staff clearly supports the Development Permit, staff delayed in presenting it to the Planning Commission and the building permit application materials (which were submitted to the Town on June 20, 2023) were not routed to the building department or CBO. When Planning Staff advised of the need for a new Development Permit, I submitted the planning application within a week. I have diligently responded to all requests for information. Meanwhile, the Town's internal process created unnecessary delays.

Planning Staff also concluded, without support, that the Planning Commission was precluded from hearing the Development Permit at the October 17, 2023 meeting, despite the item being properly noticed and agendaized. Planning Staff advised the Planning Commission that "the Commission cannot take action on projects for land use applications where there is an active code case." (Planning Commission Meeting Minutes (Oct. 17, 2023).) The Development Code does not prohibit the Planning Commission from taking action where there is "an active code case."<sup>4</sup> The violation would have been corrected by the issuance of the Development Permit and subsequent issuance of an after-the-fact building permit.

Since the stop work order was issued, I have fully complied with the CBO's requests for information and documentation. I remained hopeful that we could achieve a mutually agreeable resolution and move forward with construction of this long-awaited building that provides significant benefit to the Town's industrial and overall business opportunities. I am unwilling, however, to agree to the unreasonable and irrational demand to dismantle the steel structure only to re-erect the same exact structure to the same specifications.

Sincerely,



Ciro Mancuso

President, Hidden Lake Properties, Inc.

cc: Andy Morris  
Mike Ross  
Denyelle Nishimori

---

<sup>4</sup> The Development Code provides "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." (Development Code, § 18.200.080(F), emphasis added.)

# EXHIBIT 15



February 28, 2024

Kristen T. Castaños  
500 Capitol Mall, Suite 1600  
Sacramento, CA 95814  
D. 916.319.4655  
kristen.castanos@stoel.com

**VIA E-MAIL A**[Morris@townoftruckee.com](mailto:AMorris@townoftruckee.com)

Andy Morris  
Town Attorney  
Town of Truckee  
10183 Truckee Airport Road  
Truckee, CA 96161

**Re:   Ciro Mancuso, Hidden Lake Properties, Inc.  
      Pioneer Commerce Center Building K-4; APN 019-700-025**

Dear Mr. Morris:

Thank you for speaking with me last week regarding the process for addressing the above-referenced project, referred to as Building K-4. As we discussed, it is apparent that Town staff and Mr. Mancuso have reached an impasse regarding resolution of the pending enforcement dispute over Building K-4. For the reasons previously identified, this letter confirms that Mr. Mancuso is unwilling to agree to dismantle the existing steel structure without first exercising his due process rights under the Town's Development Code. Based on my telephone discussion with you, we understand that Town staff is likely to pursue an abatement order, and that the Town may further amplify its enforcement efforts. If staff intends to issue an abatement order, we respectfully request that staff proceed expeditiously so that Mr. Mancuso may exercise his right to appeal staff's final action to the Town Council, in accordance with the Town's Development Code.

Please feel free to contact me if you would like to discuss this matter further.

Very truly yours,

A handwritten signature in black ink, appearing to read 'KT Castanos', written in a cursive style.

Kristen T. Castaños



# EXHIBIT 16

**Lerma, Rebecca M.**

---

**From:** Jen Callaway <jcallaway@townoftruckee.com>  
**Sent:** Wednesday, February 28, 2024 12:05 PM  
**To:** Castanos, Kristen T.  
**Subject:** RE: Mancuso/Pioneer Commerce Center Building K-4 [SR-ACTIVE.FID5748032]

Hi Kristen,

Andy forwarded your communication dated February 28, 2024, regarding Ciro Mancuso's Hidden Lake Properties Pioneer Commerce Center Building K-4. We understand that Mr. Mancuso is unwilling to agree to dismantle the existing steel structure at this point. While we are regretful that we have not been able to reach agreement on this, we appreciate the notification so we can proceed with next steps.

Next steps for the Town will be to contact the State Contractor's Board and work with them moving forward. We do not plan to issue an abatement notice at this point but may in the future depending on guidance from the State. Of course, Mr. Mancuso is welcome to attend any Council meeting and provide up to three minutes of public comment at the start of the meeting if he deems that would be appropriate.

Thank you,  
Jen

---

**From:** Castanos, Kristen T. <[kristen.castanos@stoel.com](mailto:kristen.castanos@stoel.com)>  
**Sent:** Wednesday, February 28, 2024 9:56 AM  
**To:** Andy Morris <[AMorris@townoftruckee.com](mailto:AMorris@townoftruckee.com)>  
**Subject:** Mancuso/Pioneer Commerce Center Building K-4 [SR-ACTIVE.FID5748032]

Andy,

Please see the attached letter regarding building K-4 in the Pioneer Commerce Center.

Thank you,  
Kristen

**Kristen Castanos** | Attorney  
**STOEL RIVES LLP** | 500 Capitol Mall, Suite 1600 | Sacramento, CA 95814  
Direct: (916) 319-4655 | Mobile: (916) 803-3534  
[kristen.castanos@stoel.com](mailto:kristen.castanos@stoel.com) | [Bio](#) | [vCard](#) | [www.stoel.com](http://www.stoel.com)



# EXHIBIT 17



1234 Glenhaven Court, El Dorado Hills, CA 95762  
ph 916.933.0633 ▪ fx 916.933.6482 ▪ www.youngdahl.net

## STRUCTURAL STEEL & WELDING

### DAILY FIELD REPORT

Date: 20 Mar 2024 (Wednesday)	Project No.: E24101.000
Project Name: Pioneer Trail (11050)	
Project Location: 11050 Pioneer Trail, Truckee, CA	
Unit #:	Lot #:
Client: Striplin Walker Construction	Contractor: Striplin Walker
Permit #:	Weather:

Proj. Manager: MRK	Req By:	Client: Striplin Walker Construction	Contractor: Striplin Walker
Met With: Randy Striplin	Copies To:	Permit #:	Weather:

#### STATUS OF PROJECT

#### ATTACHED TO THIS REPORT

- ☒ On Going ☐ Completed Shop Inspection ☐ This is a Final Report  
☐ Inspection Canceled Due To:

#### SCOPE OF WORK

#### SUBJECT AREA

#### SAMPLE AND TEST DATA

- ☐ Full Time Welding Insp. Field  
☐ Full Time Welding Insp. Shop  
☐ Periodic Welding Insp. Field  
☐ Periodic Welding Insp. Shop  
☒ Structural Members  
☐ Metal Deck Welding  
☐ Stud Welding  
☒ High Strength Bolt Inspection  
☒ Material Compliance  
☐ Revisions / RFI  
☐  
☐  
☐

- ☒ Girder Beam to Column  
☒ Plate to Column  
☐ Plate to Plate  
☐ Column Flange To:  
☐ Pipe Joint  
☐ Stud To:  
☐ Stairway Railing  
☐ Embeds To:  
☐ Chord Bar To:  
☐ Rebar To:  
☐  
☐  
☐

Approved Plans Used: ☒ Structural ☐ and/or Shop Drawings

#### NOTE 1: WELDING

Checked: ☐ Start Up ☐ In Progress ☐ Completed Welds  
Checked: ☐ Welder(s) Qualifications Certificate(s)  
Groove Welds ☐ Complete ☐ Partial Penetration ☐ Flare Bevel  
☐ Single Pass Fillet Welds ☐ Multi Pass Fillet Welds  
Welds: ☐ Fillet ☐ Plug ☐ Seam ☐ Plug ☐ Other  
Process: ☐ SMAW ☐ FCAW ☐ GMAW ☐ Other  
Series: E- \_\_\_\_\_ Electrodes E- \_\_\_\_\_ Wire  
Joint Type:

#### NOTE 2: HIGH STRENGTH BOLTS

Verified Torque of: ☐ A325 ☐ A490 ☐ H.S. Bolts w/ Washers  
☐ 2 Per Conn. Or 10% Passed ☐ Failed (see Notes)

#### REMARKS

As requested I arrived on site to assess the condition of the partially erected K-4 structural steel boat storage building. I met with Randy Striplin on site and reviewed approved plans and details. The following was observed while on site.

- 1) The building up to this point has been erected per plans from Metallic Building Systems dated 7/19/24.
- 2) All structural connections are still fully visible and accessible for inspection.
- 3) High Strength bolts installed in the structure are not yet fully pre-tensioned at this time. The installed bolts were observed to be in good condition and still able to be pre-tensioned at this time. Due to incoming weather the bolts should be assessed again prior to tightening by a High Strength Bolting inspector. See pictures on page 3 of this report.
- 4) High Strength bolts not installed in structure were observed to be properly stored in metal containers with the exception of one keg of bolts. The top of keg had a hole and was filled with water. These 1.5" x 6.5" A490 bolts will need to be replaced or sent back to manufacturer for relubrication. See pictures on page 3 of this report.
- 5) Anchor bolts still in good condition with a little surface rust - can be easily cleaned
- 6) Due to size of the structure dismantling and reassembling may cause unnecessary stress and damage to the steel members and especially anchor bolts installed in the concrete. In addition there is an increased risk of injury while doing the extra work. These factors should be considered by the project's structural engineer and others.

Non-Compliance:

#### To the Building Official: Regarding Special Inspection

I hereby certify that the noted portions of the work at the above address which required periodic and/or continuous inspection, and which I was employed to inspect, were inspected and, in my opinion, and to the best of my knowledge, comply with the provisions of the approved plans and specification, except as noted.

**Note:** The verb, "inspect" or "inspection", as used by Youngdahl Consulting Group, Inc., means observation and monitoring, and does not mean the right to control the contractors work.

Special Inspector (Print): Michael R Kelley AWS No: 5115438 Signed: Michael Kelley

**Note:** No guarantee or warranty of the contractor's work is made, express, or implied.

Page: 1 of 3

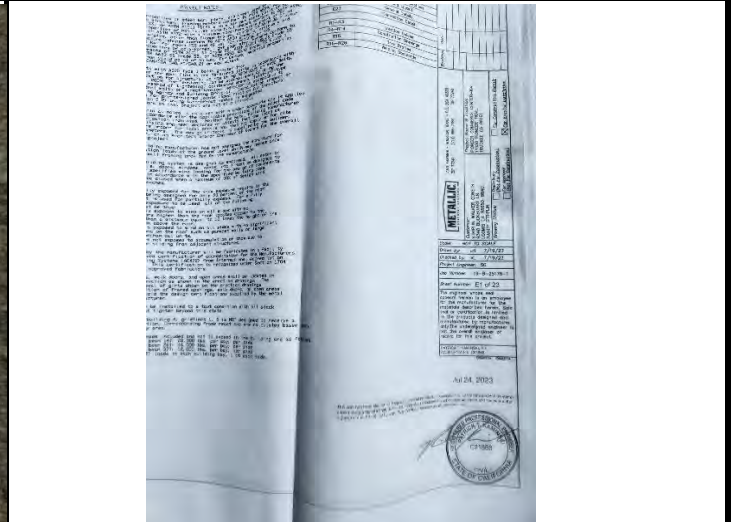
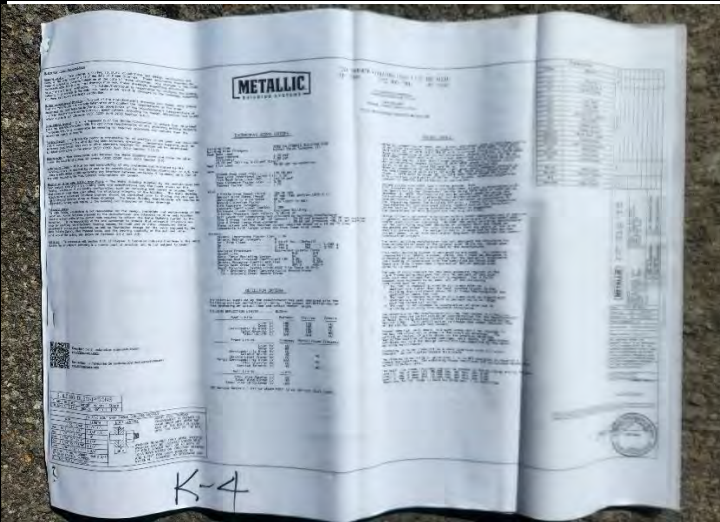
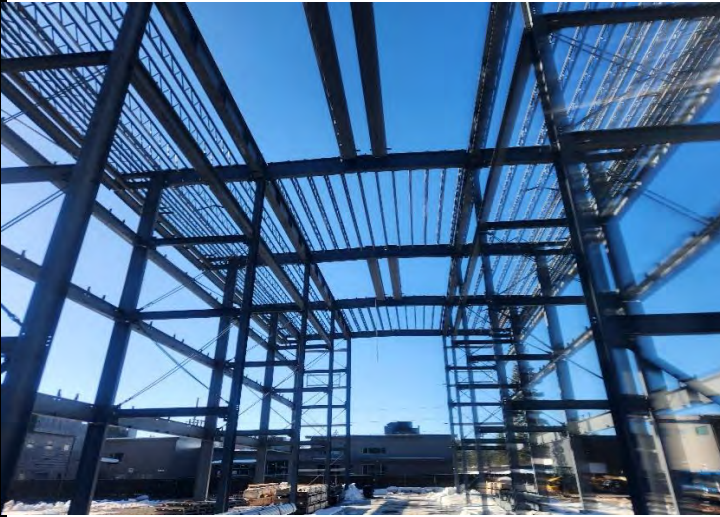
SSW-2PT Revised 3/2019

# SPECIAL INSPECTION DAILY FIELD REPORT

Date: 20 Mar 2024 (Wednesday)	Project No.: E24101.000
Project Name: Pioneer Trail (11050)	
Project Location: 11050 Pioneer Trail, Truckee, CA	
Unit #:	Lot #:
Client: Striplin Walker Construction	Contractor: Striplin Walker
Permit #:	Weather:

Proj. Manager: MRK	Req By:
Met With: Randy Striplin	Copies To:

## REMARKS



Non-Compliance:



**SPECIAL INSPECTION DAILY FIELD REPORT**

Date: 20 Mar 2024 (Wednesday)	Project No.: E24101.000
Project Name: Pioneer Trail (11050)	
Project Location: 11050 Pioneer Trail, Truckee, CA	
Unit #:	Lot #:
Client: Striplin Walker Construction	Contractor: Striplin Walker
Permit #:	Weather:

Proj. Manager: MRK	Req By:
Met With: Randy Striplin	Copies To:

**REMARKS**



Top of keg that needs to be replaced



Bolts that need to be replaced



Bolt removed from structure - observed to be in good condition



Bolts properly stored and in good condition

Non-Compliance:



# EXHIBIT 18

Begin forwarded message:

**From:** "Brandon Helms, P.E." <bhelms@maple-brook.com>  
**Date:** April 4, 2024 at 5:36:48 PM HST  
**To:** mross@townoftruckee.com  
**Cc:** Ciro Mancuso <ciro.m@me.com>  
**Subject:** Pioneer Boat Storage K-4

Hi Mike,

Thank you for meeting with me when I showed up announced at your office this afternoon. I appreciate you taking the time to discuss the status of this project and I appreciate getting your perspective on what is going on. I am copying Ciro on this email as well since perhaps this group email can be a basis for restoring communication that is an important component of a healthy relationship that should exist between the Building Department and Developers/Contractors.

I did call Ciro after we spoke about if he knew a name of a member of the building or planning office that knew construction was ongoing. Ciro is not comfortable stating that any particular member of the staff, current or former, knew that construction was ongoing because he didn't have any specific conversations with any of the staff members about the ongoing construction. Therefore, any assertion he made as to who knew what when would be conjecture and he feels like this is a compromise of integrity. It is hard for me to argue with that point since I don't think I would be comfortable if I thought I was trying to make someone else take the fall for my actions. As we discussed, the project is located within a high visibility area and it is Ciro's strong belief that many members of the staff have been at or around Pioneer Commerce Center patronizing businesses within the development and within pretty clear sight of the project. I am not familiar with the specific businesses and their proximity to the project so I won't attempt to recount the businesses, but I think there is a bakery and gym in close proximity to the site.

Something that Ciro did express to me is his anxiousness to get this resolved so he can get back to feeling like he is a welcome addition and resource for the Town of Truckee.

He has invested a lot in the Town and continues, through tax revenue as well as other activities, to support the town. He is not looking for a protracted fight over this and maybe that can be the bit of common ground that we can start from, since no one wants a drawn out legal fight.

As we discussed, I would propose that you and I work directly together to resolve the code violation at the project so we can get the status out of the code enforcement back onto the main track of getting all of the proper approvals to meet the requirements set forth in the code. My goal would be to get the building finished as soon as possible to ensure that the building is safe moving forward. Whatever I need to do to facilitate moving this project out of the purgatory of code enforcement and back into the mainstream of permitting I am willing to do. Once the code enforcement issues are

resolved, I would propose that the building erection continue during the permitting on a parallel track, but I think if the permitting is done expeditiously that wouldn't necessarily be a huge hurdle since it would take a few weeks to get the contractor mobilized, I would assume.

I don't believe there is much positive that can be accomplished by deconstructing the building at this point. There is the potential for some deformation of the members, especially at connection points, during the deconstruction and if the deconstruction is done in larger sections, storage can also be an issue. I have never seen a structure like this deconstructed and while I would assume with sufficient precautions it could be done safely, I think there is an element of safety for the workers that is a concern of mine. Therefore, I think there is more upside to continuing from where we are rather than going backward and then restarting.

Ultimately, as we discussed, I would really like this to be something that can be resolved amicably and hopefully is a small speed bump in the long term prosperity of both Pioneer Commerce Center as well as the Town of Truckee. I am happy to be involved as much as I need to be to try to bridge any gaps or be the scapegoat if we can move this forward while maintaining your goals of redefining the expectations of building in Truckee as well as move the project forward. Please feel free to call me to discuss or I can make another trip down at some point if needed. Thanks.

Brandon Helms, P.E.  
Principal Engineer  
Maple Brook Engineering, Inc.  
(208) 568-1171

**From:** Brandon Helms, P.E. bhelms@maple-brook.com  
**Subject:** FW: Follow Up - Pioneer Boat Building K4  
**Date:** April 22, 2024 at 8:49 AM  
**To:** mross@townoftruckee.com, Ciro Mancuso ciro.m@me.com

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Mike,

I am writing to again follow up on our meeting on April 4 in your office concerning the Pioneer Board Building K4. I understood from our meeting that you were going to get back to me following your staff meeting on April 5. I followed up with emails on April 10 and April 15 and a voicemail to you on April 18 but have not received a response to any of these communications. As I have stated previously, I am willing to do whatever you need me to do to get the project back on track to obtain the necessary approvals. We would appreciate the professional courtesy of a response. Thank you.

Brandon Helms, P.E.  
Maple Brook Engineering, Inc.  
(208) 568-1171

**From:** Brandon Helms, P.E. [mailto:BHelms@maple-brook.com]  
**Sent:** Monday, April 15, 2024 4:41 PM  
**To:** mross@townoftruckee.com; Ciro Mancuso  
**Subject:** Follow Up - Pioneer Boat Building K4

Good Afternoon Mike,  
I wanted to follow up again following our meeting on April 4 in your office and the email I sent last week on April 10. I have not heard anything back following the meeting your staff was going to have on April 5. I am just looking for some update.

To restate, I am willing to do whatever you need me to do to get this project back on track in terms of planning and building department approvals. I can make another trip down if necessary. I am happy to do whatever needs to be done to facilitate moving the project forward in a positive manner.

If you have decided that there isn't anything I can do to facilitate this, I would appreciate if you can let me know so I don't have to wonder what the status of this is. Thanks.

Brandon Helms, P.E.  
Principal Engineer  
Maple Brook Engineering, Inc.  
(208) 568-1171

**From:** Brandon Helms, P.E. [<mailto:BHelms@Maple-Brook.com>]  
**Sent:** Tuesday, April 30, 2024 8:17 AM

**To:** 'dnishimori@townoftruckee.com'

**Cc:** 'mross@townoftruckee.com'; 'Ciro Mancuso ([ciro.m@me.com](mailto:ciro.m@me.com))'

**Subject:** Pioneer Commerce Center Boat Building K4

Good Morning Denyelle,

I am sure you are aware of the situation with the latest Boat Storage Building in the Pioneer Commerce Center. I traveled to the site in early April and I thought I had a productive conversation with Mike Ross that day. The gist of the conversation was that I wanted to work on getting the project moving forward. I prefer not to have projects that I have worked on be in this position, but since we are here I would like to be able to find a productive way to move forward with the project. This is going to include some sort of input and approval from me, I would assume, to get the project moved out of the code enforcement category so we can get it back on the path to getting all of the permits in place so the project can be completed. We didn't make concrete agreements on moving forward but I left with the understanding that Mike was going to discuss the way forward in a general staff meeting on April 5 and then he and I could continue our conversation on reaching an acceptable resolution.

I have sent several emails to Mike and left a couple of voicemails to follow up and I have gotten no response. I am hoping that all is well with Mike since I haven't heard back from him. Let me know what we need to do to reopen communication so we can get to a point that this can be resolved and the building can be completed. Feel free to call me at your convenience or if I need to come back down for an in person meeting, I can do that too. I am open to doing whatever needs to be done to move toward resolution. Thanks.

Brandon Helms, P.E.

Principal Engineer

Maple Brook Engineering, Inc.

(208) 568-1171