

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.