# TOWN OF TRUCKEE California

### **RESOLUTION 2025-24**

# A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TRUCKEE APPROVING THE TAHOE TRUCKEE COMMUNITY FOUNDATION ZONING CLEARANCE

**WHEREAS,** the Town Council adopted the Railyard Master Plan and certified an Environmental Impact Report (SCH#2007122092) on July 2, 2009 establishing goals, policies, development standards and guidelines on growth and development in the Railyard Master Plan Area; and

**WHEREAS**, the developer of the Railyard Master Plan determined that the balloon track relocation as originally contemplated in the 2009 Railyard Master Plan was infeasible; and

**WHEREAS**, the Town adopted the amendments to the Railyard Master Plan and changed the name of the plan to the Truckee Railyard Mixed-Use Development Master Plan (Master Plan or Railyard Master Plan) in November 2016; and

**WHEREAS,** the Master Plan creates an easterly extension of the existing Downtown that complements the historic character of the Downtown and the industrial heritage of the Railyard and Mill Site at a higher density/intensity; and

WHEREAS, the Master Plan goals and policies support the creation of a strong connection between the Railyard and the historic core, developing the Railyard Master Plan Area holistically as a mixed-use development that supports a greater diversity and intensity of activities, including retail, restaurant, local services, and entertainment uses; and

WHEREAS, to ensure an active pedestrian frontage, Footnote 4 of Table 5-1 (Allowed Land Uses and Permit Requirements) in the Railyard Master Plan prohibits "Offices, business and professional" within the Downtown Extension District "within 30 feet depth of ground floor building frontage on a Primary Street. However, to facilitate initial leasing, the Town may allow these uses on the ground floors of buildings on Primary Streets in DE for a period of up to five years from issuance of the building's final certificate of occupancy"; and

WHEREAS, at the October 22, 2024 Council meeting, the Council considered a request by Tahoe Truckee Community Foundation to ask staff to process a Railyard Master Plan Amendment to allow its office-type use in the ground floor of the Artist Lofts, located at 9848 Donner Pass Road (APN 019-421-004); and

**WHEREAS**, the Town Council supported moving forward with Tahoe Truckee Community Foundation's request to occupy the ground floor of the Artist Lofts as it aligns with Council priorities, but directed staff to keep the amendment narrow to limit the potential of future asks from private developers; and

WHEREAS, the Town of Truckee received a Railyard Master Plan Amendment application and Zoning Clearance application to allow a 3,462 s.f. office-type use with gathering space for Tahoe Truckee Community Foundation (TTCF), a community nonprofit, within the ground floor of

the Artist Lofts, located at 9848 Donner Pass Road (APN 019-421-004), which is on a Primary Street in the Downtown Extension District; and

- **WHEREAS**, the Footnote 4 of Table 5-1 (Allowed Land Uses and Permit Requirements) Railyard Master Plan does not allow for the office-type use contemplated by TTCF; and
- **WHEREAS**, the applicant, Truckee Artist Lofts, worked with staff to request a Railyard Master Plan Amendment to add a new land use designation and definition for a "nonprofit office and gathering space" to be allowed in the Downtown Extension District and a Zoning Clearance to allow the use if adopted; and
- WHEREAS, The Town certified the Railyard Master Plan Final Environmental Impact Report (SCH #2007122092) in July 2009 based on a finding that the Railyard Master Plan will not result in significant environmental impacts with the incorporation of mitigation measures with the exception of Impact TRAF-7, Impact TRAF-11, Impact TRAF-15, Impact AIR-2, Impact NOI-1, and Impact CULT-1 for which the impacts are identified as significant and unavoidable and overriding considerations were adopted; and
- WHEREAS, an Environmental Impact Report (EIR) Addendum was prepared in conjunction with the Truckee Artist Lofts application (2016-00000132) and accepted into the Railyard permanent record on May 10, 2015; 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**, 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 consideration of the approval or denial of the Master Plan Amendment and Zoning Clearance; and
- **WHEREAS,** the Planning Commission is the advisory body to the Town Council on all matters concerning land use regulation and Master Plans and any concurrently processed land use permits; and
- WHEREAS, the Planning Commission held a public hearing on the matter at its regularly scheduled Planning Commission meeting beginning and ending on March 18, 2025, and considered all information and public comment related thereto; and
- **WHEREAS,** the Planning Commission reviewed the proposed amendment and Zoning Clearance and forwarded a recommendation of approval to the Town Council at its March 18, 2025 hearing, with a 4-1 vote; and
- WHEREAS, the Town Council held a public hearing on the matter at its regularly scheduled Town Council meeting beginning and ending on April 8, 2025, and considered all information and public comment related thereto; and
- WHEREAS, the Town Council adopted the Artist Lofts Railyard Master Plan Amendments (Resolution 2025-23) creating a new "nonprofit office and gathering place" use and allowing it within the Downtown Extension District of the Railyard Master Plan; and

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**NOW THEREFORE BE IT RESOLVED,** the Town Council takes the following actions on Application 2024-0000134 (Artist Lofts Railyard Master Plan Amendments and Tahoe Truckee Community Foundation Zoning Clearance):

- 1) Determine the Tahoe Truckee Community Foundation Zoning Clearance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15183 and Public Resources Code 21166; and
- 2) Approve the Tahoe Truckee Community Foundation Zoning Clearance, as shown in Exhibit "C" (Tahoe Truckee Community Foundation Plans), subject to the conditions of approval set forth in Exhibit "A" (Tahoe Truckee Community Foundation Zoning Clearance Conditions of Approval), attached thereto and incorporated herein

**BE IT FURTHER RESOLVED,** the Town Council adopts the findings set forth in Exhibit "B" (Findings), in support of approval of these actions.

The	foregoing , at a r	resolution egular meet	was ing of	introduced the Truckee	by Town Coun	, seconded cil, held on the 8 <sup>th</sup> da	l by ay of
April, 2025						·	•
AYES:							
NOES:							
ABSENT	Γ:						
ATTEST:				-		Jan Zabriskie, M	ayor
AIIESI.							
Kelly Carpe	enter, Town	Clerk	-				

# <u>Attachments</u>

Exhibit A: Conditions of Approval

Exhibit B: Findings

Exhibit C: Tahoe Truckee Community Foundation Plans

### **RESOLUTION 2025-24**

# A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TRUCKEE APPROVING THE TAHOE TRUCKEE COMMUNITY FOUNDATION ZONING CLEARANCE

### **EXHIBIT "A"**

# TAHOE TRUCKEE COMMUNITY FOUNDATION ZONING CLEARANCE CONDITIONS OF APPROVAL

## **General Conditions of Approval**

- 1. A Zoning Clearance to allow Tahoe Truckee Community Foundation, a 3,462 s.f. "nonprofit office and gathering place" on the ground floor of the Artist Lofts (located at 9848 Donner Pass Road; APN 019-421-004), which includes a 2,054 s.f. gathering space, 440 s.f. facilitator's bullpen, 968 s.f organizer's office, and approximately 1,300 s.f. accessory outdoor seating area (30-person maximum occupancy) along the frontage of the space, is hereby approved as described in the March 18, 2025 Planning Commission staff report and the April 8, 2025 Town Council staff report as shown on the site plan and floor plan approved by the Town Council on April 8, 2025 and on file in the Community Development Department except as modified by these conditions of approval. This approval is only for the use of the tenant space; the building, site, and other onsite uses are governed by other land use entitlements, including Planning Commission Resolution 2018-15. (*Planning Division*)
- 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. A matrix or letter shall be submitted as part of 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*)
- 4. The effective date of approval shall be April 8, 2025. In accordance with Section 18.84.050 of the Development Code, the Zoning Clearance 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, in compliance with Section 18.84.055 (Time Extensions). (*Planning Division*)
- 5. All future Time Extensions for this Zoning Clearance or amendments to this Zoning Clearance shall be reviewed by the Community Development Director, unless the Community Development Director refers the matter, without making a decision, to the Planning Commission so that the Commission may make the decision. (Planning Division Recommendation, Development Code Section 18.70.030 Table 4-1 Review Authority)

- 6. The Community Development Director may authorize minor alterations to the approved Zoning Clearance in accordance with Section 18.84.070(B)(1) of the Development Code, including a reduction in the size of the project. Major changes and alterations to the approved plans and conditions of approval shall be reviewed and approved through a formal Zoning Clearance Amendment in accordance with Section 18.84.070(B)(2) of the Development Code. (*Planning Division*)
- 7. Except as modified by these conditions of approval, the project shall comply with all applicable provisions and standards of the Truckee Railyard Mixed-Use Development Master Plan (November 2016) and applicable sections of the Development Code (effective date November 16, 2016 as required by the Development Agreement).
- 8. 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 or other actions authorized by this determination shall be permitted, authorized, or commenced until all outstanding fees are paid to the Town. (*Planning Division*)
- 9. 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*)
- 10. 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. (Building Division)
- 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
  - Nevada County Department of Environmental Health
  - Tahoe Truckee Sierra Disposal Company
  - Southwest Gas (Planning Division)
- 12. Construction Hours: Hours of operation of construction activities shall be limited to Monday through Saturday 7:00 AM to 9:00 PM and Sunday and any federally designated holidays 9:00 AM to 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. Notice of the hours of construction shall be on the plan set prior to building permit issuance. *(Planning Division)* 

## Other Conditions of Approval

- 13. A maximum of 120 people or the maximum allowed Building Code occupancy, whichever is less, is allowed within the designated "Gathering Space" identified on the floor plans. Prior to building permit issuance, the final allowed occupancy shall be shown on the building permit plans for review and approval by the Planning Division, Building Division, and Truckee Fire Protection District. (*Planning Division*)
- 14. No additional parking spaces are required beyond the required parking identified in the underlying land use approval for the Artist Lofts (Planning Commission Resolution 2018-15). Twelve parking spaces allocated to the Artist Lofts' retail use from the Railyard Master Plan Parking Management Plan shared parking pool are allocated to the Truckee Tahoe Community Foundation. (*Planning Division*)
- 15. No exterior changes are proposed or approved as part of this Zoning Clearance. *(Planning Division)*
- 16. Signs: No new signs are proposed or approved as part of this approval. A Sign Plan application, consistent with the Development Code requirements for signs, shall be submitted for review and approval by the Planning Division prior to installation of any signage. 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*)
- 17. 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)*
- Noise: The project shall comply with the Town's Noise Ordinances (Chapters 9.20 and 18.44 of the Municipal Code). To ensure compliance with the use of the outdoor seating area shall be prohibited before 7:00 AM and after 10:00 PM and outdoor amplified noise shall be prohibited at all times. Outdoor amplified noise includes noise generated from the interior of the building that can be heard outside. Nonamplified noise shall require compliance with the Noise Ordinances. If ongoing verifiable complaints are received related to noise, then a noise study will be required to identify the maximum volumes and decibels allowed to ensure compliance with the noise standards. The noise study shall be conducted by an acoustical expert and shall test the indoor sound systems to determine the appropriate levels and configurations to comply with the Town's Noise Ordinance. The analysis should include review of the noise at or around the nearest residences under varying conditions such as with the windows/doors opened and closed, varying levels of volume and bass, etc. The acoustical expert shall create a report and recommendation list (including, but not limited to window/door openings, volume levels, orientation/modification of speakers) to ensure compliance with the Noise Ordinance to be reviewed by the Community Development Director. The Community Development Director may require implementation of all or a portion of the recommendations to ensure compatibility with the neighborhood. (Planning Division)

- 19. Use of the outdoor community park on the second floor of the Artist Lofts for the "nonprofit office and gathering space" use is prohibited. *(Planning Division)*
- 20. All solid waste and recycling materials will be disposed of in compliance with State law. All solid waste and recycling materials areas will be well-maintained. *(Planning Division)*
- 21. No outdoor storage or display is approved as part of this project. (*Planning Division*)
- 22. Tenant improvement permits are required. Contact the Building Division to determine the appropriate permits. (*Planning Division*)
- 23. Outdoor seating: The outdoor seating area shall be located wholly on private property along the frontage of the "nonprofit office and gathering space." The outdoor seating area shall be reviewed and approved by the Engineering Division to ensure compliance with the Truckee Railyard Streetscape Plan and requirements for access. The outdoor seating area shall be maintained by the tenant and/or property owner and shall only be used as an accessory to the primary "nonprofit office and gathering space" use. The outdoor seating area shall not be rented separately from the primary use and shall not be used for commercial purposes. No permanent outdoor seating fixtures are approved as part of this Zoning Clearance. If an outdoor dining permit process is created by the Town to allow use of the public right-of-way, the project may apply for the permit and shall be subject to the applicable requirements. Use of the public right-of-way is prohibited until and unless a permit is obtained from the Town. (*Planning Division*)
- 24. The project shall comply with all requirements of the California Department of Alcohol and Beverage Control, including requirements for fencing and licensing. *(Planning Division)*
- 25. All events shall be run or sponsored by a nonprofit organization. No commercial events are permitted. *(Planning Division)*

### **Other Agencies**

- 26. The Truckee Donner Public Utility District will require payment of the appropriate Connection Fee and submittal of documentation to establish a billing account before water service will be provided. (TDPUD)
- 27. Consumer Protection- Food and Beverage- Any proposed retail food/beverage sales/service shall be conducted in accordance with current California Retail Food Code (CRFC) Standards. Specifically, if caterers (defined in CRFC in Section 113739.1 and 113789) are brought on site to conduct food /beverage service operations, they shall be permitted to conduct said activity by NCDEH. A list of currently permitted caterers can be obtained by contacting NCDEH at env.health@nevadacountyca.gov. (Nevada County Department of Environmental Health NCDEH)
- 28. All other potential retail food (and beverage) operations shall be permitted (when applicable) by NCDEH including but not limited to community events (CRFC Section 113755) and temporary food facility (TFF) operators (CRFC Section 113930). Please contact env.health@nevadacountyca.gov for any questions regarding potential retail food/beverage operations and when a permit may be required. (NCDEH)

- 29. Hazardous Materials: The applicant and/or facility operator shall adhere to all applicable codes and regulations regarding the storage of hazardous materials and the generation of hazardous wastes set forth in California Health and Safety Code Section 25500 25519 and 25100 25258.2 including the electronic reporting requirement to the California Environmental Reporting System (CERS). CERS | California Environmental Reporting System. (NCDEH)
- 30. Solid Waste: The proposed project shall comply with applicable regulations which are enforced by Nevada County Department of Environmental Health (NCDEH) as the Local Enforcement Agency (LEA) pertaining to the storage and management of solid wastes (Title 14, California Code of Regulations (14 CCR), Title 27, California Code of Regulations (27 CCR) & Nevada County Code, Chapter IV, Article 8). All solid wastes shall be stored, collected, utilized, treated, processed, and disposed of in such a manner that a health hazard, public nuisance, or impairment of the environment shall be kept within State and local standards. (NCDEH)

### **RESOLUTION 2025-24**

# A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TRUCKEE APPROVING THE TAHOE TRUCKEE COMMUNITY FOUNDATION ZONING CLEARANCE

### **EXHIBIT "B"**

#### **FINDINGS**

## Railyard Master Plan Zoning Clearance Findings

- 1. The proposed development is:
  - a. Allowed by Chapter 5 (Development Standards and Guidelines) within the applicable District; complies with all applicable provisions of this Master Plan, the Development Code, the Municipal Code, and the Public Improvement and Engineering Standards (except as modified by this Master Plan).

With approval of Resolution 2025-23 (Artist Lofts Railyard Master Plan Amendments), the "nonprofit office and gathering place" use is allowed in the Downtown Extension District per Chapter 5 (Development Standards and Guidelines). No new physical development is proposed as part of the project other than interior tenant improvements.

b. Within the Maximum Allowed Development area defined in Chapter 5.

No new physical development is proposed as part of the project other than interior tenant improvements to the existing ground floor space of the Artist Lofts. No other nonresidential uses have been constructed in the Railyard Master Plan Area, other than the 3,462 s.f. ground floor of the Artist Lofts. The Maximum Allowed Development for office ranges from 10,000 s.f. to 32,500 s.f. in the Downtown Extension District, depending on the option. The existing ground floor of the Artist Lofts does not exceed either of these amounts.

c. Consistent with the goals and policies of this Master Plan, the General Plan, the Downtown Specific Plan, the Trails and Bikeways Master Plan, and the Particulate Matter Air Quality Management Plan.

With approval of Resolution 2025-23 (Artist Lofts Railyard Master Plan Amendments), the proposed Tahoe Truckee Community Foundation "nonprofit office and gathering place" use is consistent with the goals and policies of the Master Plan, General Plan, and Downtown Specific Plan. No new trails are required for the use and all infrastructure improvements have been constructed. No physical development is proposed except internal tenant improvements; therefore, no Particulate Matter Air Quality Management Plan requirements apply.

2. The proposed development achieves the overall design objectives of the Design Guidelines, and would not impair the District design and architectural integrity or the character of Downtown Truckee.

No physical development is proposed except internal tenant improvements. All architectural design features were reviewed and approved under the land use permit for the Artist Lofts project.

3. The Zoning Clearance 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.

LSC's analysis identified minimal, if any, trip generation impacts with the proposed addition of a new "nonprofit office and gathering space use" in the Downtown Extension District. The new use is similar in trip generation to other allowed uses within the district. The trip generation from the change of use from retail to "nonprofit office and gathering space" in the ground floor of the Artist Lofts was determined to generate minimal to no change. No other potential environmental impacts were identified by staff. No further environmental review is required pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), and Public Resources Code Section 21166. The Town certified the Railyard Master Plan Final Environmental Impact Report (SCH #2007122092) in July 2009 and an Environmental Impact Report (EIR) Addendum was prepared in conjunction with the Truckee Artist Lofts application (2016-00000132) and accepted into the Railyard permanent record on May 10, 2015. The proposed Zoning Clearance would establish a use in an existing building and no other potential impacts were identified that were not previously analyzed as part of the Railyard Master Plan EIR.

4. There are adequate provisions for public and emergency vehicle access, fire protection, sanitation, water, and public utilities to ensure that the proposed development would not be detrimental to public health and safety. Adequate provisions shall mean that distribution and collection facilities and other infrastructure are installed at the time of development and in operation prior to occupancy of buildings and the land, and all development fees have been paid prior to occupancy of buildings and the land.

No physical development is proposed except internal tenant improvements. The project is located within an existing building served by existing public roads. All utility agencies, the Truckee Fire Protection District, and the Engineering Division reviewed the project and no objections were filed and all conditions of approval have been incorporated.

5. 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.

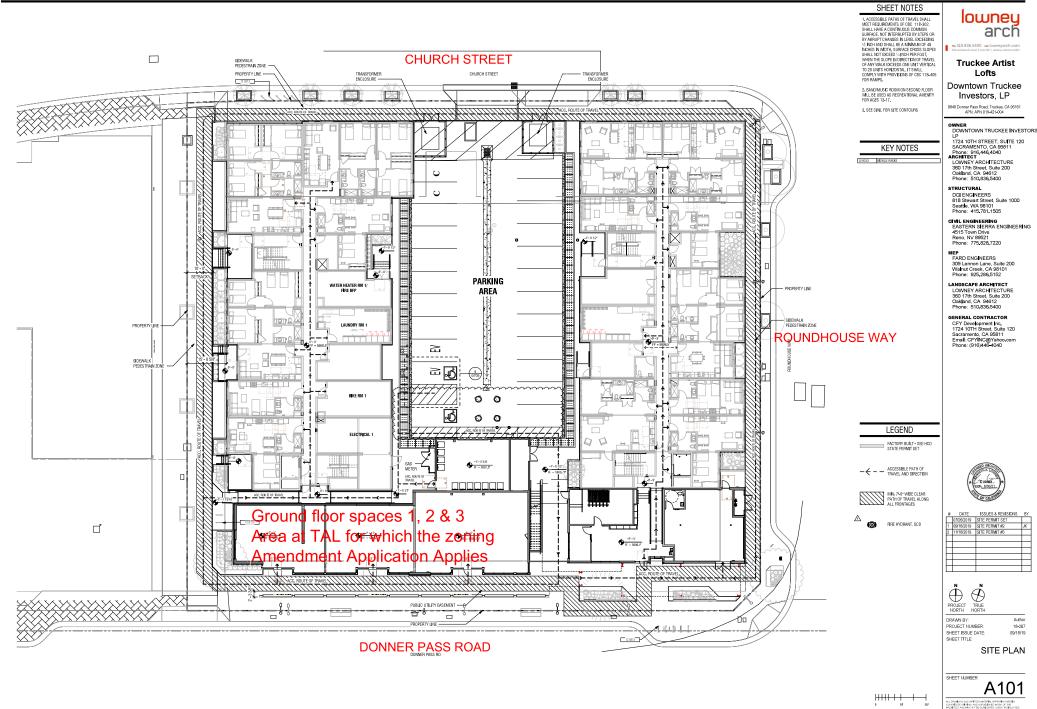
No hazardous materials are anticipated as part of this project.

## **RESOLUTION 2025-24**

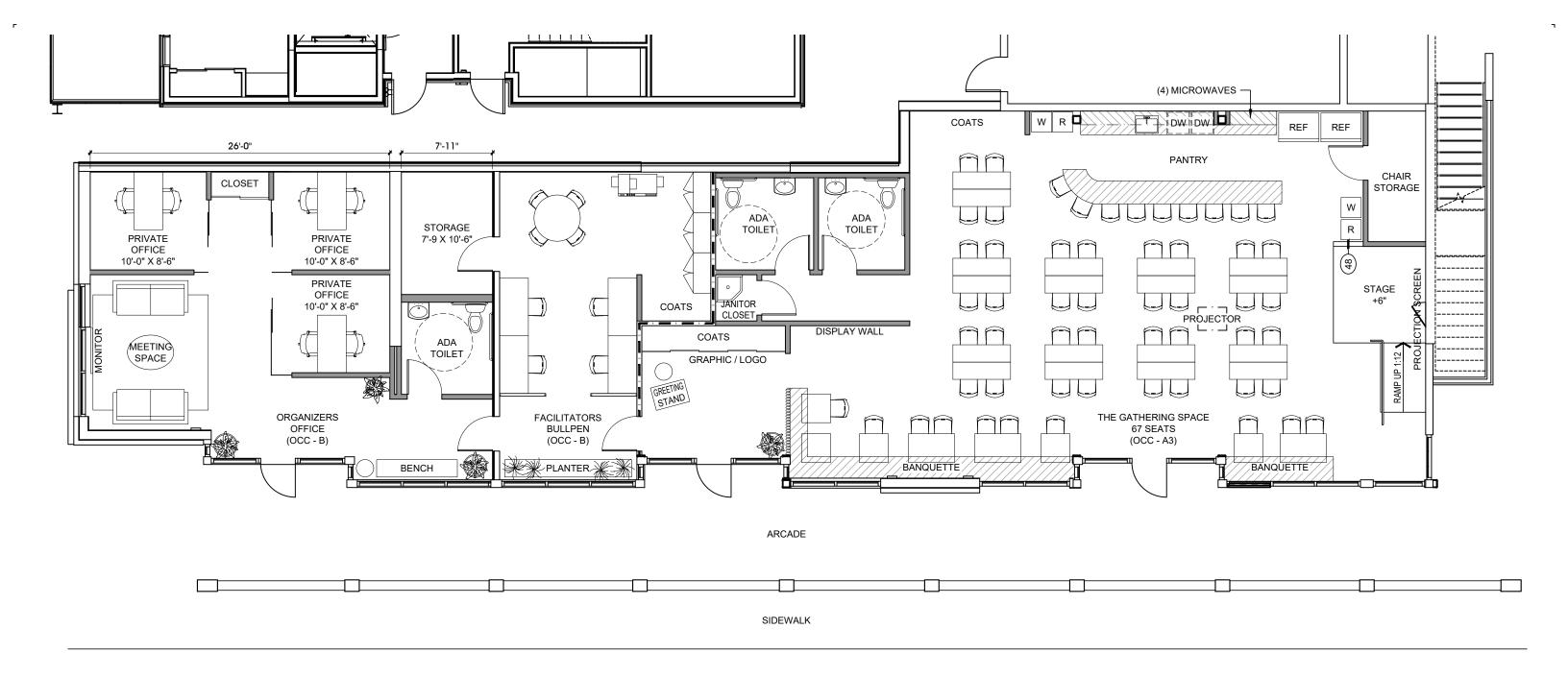
# A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TRUCKEE APPROVING THE TAHOE TRUCKEE COMMUNITY FOUNDATION ZONING CLEARANCE

**EXHIBIT "C"** 

TAHOE TRUCKEE COMMUNITY FOUNDATION PLANS



1/18/2019 2:07:11 PM



**DONNER PASS ROAD** 





8530 VENICE BOULEVARD LOS ANGELES, CA 90034 TEL 310 | 287 | 2180 ENV-team.com

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SPACE PLAN - DRAFT

TRUCKEE TAHOE COMMUNITY FOUNDATION TTCF 24 9848 Donner Pass Road Suits 1, 2 & 3 Truckee, CA 96161

Dwg No: SP1.2

Scale: 1/8" = 1'-0"

Date:

09/04/24

Project No: 24022.01



₩ 510.836.5400 w lowneyarch.com

#### Truckee Artist Lofts

arch

#### Downtown Truckee Investors, LP

9848 Donner Pass Road, Truckee, CA 96161 APN: APN 019-421-004

OWNER
DOWNTOWN TRUCKEE INVESTORS, LP
1724 10TH STREET, SUITE 120
SACRAMENTO, CA 9581 1
Phone: 916.446.4040

ARCHITECT LOWNEY ARCHITECTURE 360 17th Street, Suite 200 Oakland, CA 94612 Phone: 510.836.5400

#### STRUCTURAL

DCI BNGINEERS 818 Stewart Street, Suite 1000 Seattle, WA 98101 Phone: 415.781.1505

CIVIL ENGINEERING EASTERN SIERRA ENGINEERING 4515 Town Drive Reno, NV 89521 Phone: 775.828.7220

MEP FARD ENGINEERS 309 Lennon Lone, Suite 200 Walnut Creek, CA 98101 Phone: 925.286.5152

## LANDSCAPE ARCHITECT

LOWNEY ARCHITECTURE 360 17th Street, Suite 200 Oakland, CA 94612 Phone: 510.836.5400 MODULAR FACTORY

FACTORY\_OS Building 680, 1245 Nimitz Avenue Vallejo, CA 94592 Phone: 510.588.5138



#	DATE	ISSUES & REVISIONS	BY
Г	07/26/2019	SITE PERMIT SET	
1	09/18/2019	SITE PERMIT #2	JK
2	11/18/2019	SITE PERMIT #3	



DRAWN BY: PROJECT NUMBER: SHEET ISSUE DATE: SHEET TITLE:

> PLANTING PLAN GROUND LEVEL

SHEET NUMBER

L3.1

Author

18-267

11/18/19

