

## PLANNING COMMISSION STAFF REPORT

Meeting Date: July 18, 2023

To: Town of Truckee Planning Commission

From: Yumie Dahn, Senior Planner

RE: Development Code Update – Objective Design Standards

Approved by: Jenna Gatto, Town Planner

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**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.

**Project Summary:** In response to several enacted State laws, the Town of Truckee is proposing Development Code amendments to incorporate objective design standards for residential projects, including multi-family residential projects with two or more units, mixed-use projects where at least two-thirds of the gross floor area is designated for residential use, and new single-family residential subdivisions with five or more parcels. Objective design standards are specific measurable elements of a site or building design that are required where no interpretation or value judgement can be applied. These standards would be applied the same regardless of who reviews the project. The intent of these standards is to provide clarity and streamline the review process for applicants who wish to use this pathway. For applicants who prefer to deviate from the standards, an optional flexible review process is also being proposed. A public review draft of these standards was released on June 1, 2023.

### **Discussion/Analysis:**

#### ***Background***

As noted in the June 20, 2023 memo to the Planning Commission (see Attachment #3), the State has enacted several laws that seek to stimulate housing production by streamlining permit processes. These laws allow only the application of objective standards when reviewing residential housing projects in order to remove subjective guidelines and interpretation to provide a clear path for housing developers. To address the State’s requirement, the Town’s 2019-2027 Housing Element includes Program H-1.9 directs the Town to “develop objective design standards for multi-family residential projects and continue public outreach on creation and implementation of these standards” and the Town’s 2040 General Plan includes Action LU-9.B (Objective Design Standards) which requires development of objective design standards for residential and nonresidential uses. The purpose of the proposed Development Code amendments is to incorporate objective and measurable design standards for multi-family residential projects, mixed-use projects with at least two thirds of the gross square footage of the development designated for residential use, and new single-family subdivisions with greater than five parcels. Many of the Town’s current design guidelines rely on terms such as “encourage,” “may,” and “should.” These terms are considered

guidelines rather than standards and cannot be objectively applied. If these design guidelines are the only design tools the Town continues to rely on, the Town would not be able to require applicants to use high quality materials or incorporate any architectural features or articulation and most any design would have to be approved. As noted in June, one thing to keep in mind is that these will be evolving standards as we see which standards are successful and which ones are not. We anticipate that amendments will likely need to be considered in the future. Additionally, the proposed language provides a pathway for developers and designers who can still opt for a flexible design review process where the quality of the design can be considered holistically without the strict application of the standards and where community input can be incorporated more easily.

The Town and its consultant, Design Workshop, has worked on the creation of two new chapters to implement new objective design standards – Chapter 18.25 (Objective Design Standards), which creates new building and site design standards for these projects, and Chapter 18.79 (Streamlined Residential Review), which creates the process under which these standards can be reviewed. Many of the design standards in Chapter 18.25 are based on existing Town design guidelines, a few are based on direction provided during the Innovate Gateway process, and some are based on community and stakeholder feedback. In addition to these two new chapters, the Town is also proposing amendments to several sections of the existing Development Code to ensure that the standards can be objectively applied to projects requesting the use of the objective design standards, as provided in Draft Planning Commission Resolution 2023-12 (Attachment #1):

#### Article II – Zoning Districts and Allowable Land Uses

- Chapter 18.06 – Establishment of Zoning Districts, Adoption of Zoning Map
- Chapter 18.08 – Residential Zoning Districts
- Chapter 18.12 – Commercial and Manufacturing Zoning Districts
- Chapter 18.16 – Special Purpose Zoning Districts
- Chapter 18.24 – Design Guidelines
- Chapter 18.25 – Objective Design Standards (New section)

#### Article III – Site Planning and General Development Standards

\* Indicates a new section was added to the list

- Section 18.30.050 – Drainage and Storm Water Runoff
- Section 18.30.070 – Fences, Walls, and Hedges\*
- Section 18.30.080 – Grading and Vegetation Removal
- Section 18.30.090 – Height Measurement and Height Limit Exceptions\*
- Section 18.30.120 – Setback Requirements and Exceptions\*
- Chapter 18.36 – Hillside Development Standards
- Section 18.38.050 – Donner Lake Development Standards
- Chapter 18.40 – Landscape Standards
- Chapter 18.46 – Open Space/Cluster Requirements
- Section 18.58.025 – Accessory Dwelling Units
- Section 18.58.140 – Mixed-Use Development
- Section 18.58.180 – Multi-Family Residential Projects (proposed deletion)

#### Article IV – Land Use and Development Permit Procedures

- Chapter 18.72 – Zoning Clearance
- Chapter 18.74 – Development Permit
- Chapter 18.79 – Streamlined Residential Review (New section, same as above)

#### Article VII – Housing

- Chapter 18.214 – Inclusionary Housing

- Chapter 18.216 – Workforce Housing

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- Chapter 18.216 – Workforce Housing

#### Article VIII – Development Code Definitions

- Definition – Development Envelope
- Definition – Site Disturbance
- Definition – Story

### ***Discussion Topics***

A summary of the amendments proposed in the June 1, 2023 Public Review Draft can be found in the June 20, 2023 Planning Commission memo (Attachment #3). Since the release of the public review draft on June 1, 2023, comments have been received from the public, stakeholders, and the Planning Commission. The Town and Design Workshop have reviewed each of the comments received and have incorporated changes into the currently proposed draft language. It should be noted that while every comment was reviewed, not all of the comments or proposed changes were incorporated into the document. The Planning Commission may revisit any of the comments and propose amendments at the July 18, 2023 hearing. Changes in the Objective Design Standards chapter are shown in “track changes” in Attachment #5 and changes in other sections of the Development Code have been highlighted in yellow in Attachment #6. Clean documents (with all of the amendments shown in the same format) are provided in the draft resolution (Attachment #1). The following provides a summary of the larger changes made to the proposed Development Code language since it was reviewed in June.

#### Height Measurement and Height Limit Exceptions (Section 18.30.090).

As part of the 2040 General Plan discussion, the Town Council directed staff to research other height measurement options. Based on public comment during the General Plan update process, the Town Council had concerns that the current height measurement in the Development Code resulted in structures that did not respond to the site and may not be appropriate for its context. After looking at a few different local jurisdictions and other mountain communities (see Attachment #4), staff developed a draft of the height measurement standard based on the Tahoe Regional Planning Agency (TRPA) standard <https://www.trpa.gov/wp-content/uploads/TRPA-Code-of-Ordinances.pdf> , Page 292 of the PDF, section 37.3 (Definitions) and 37.4 (Height Standards for Buildings)). Staff believes that using a measurement standard that is already seen within the region creates clarity for professionals and property owners. Additionally, it is staff’s opinion that the TRPA’s standards are generally focused on similar goals identified by the Council – ensuring structures are responsive to the conditions of the site, do not dominate the environment, and maintain public viewsheds.

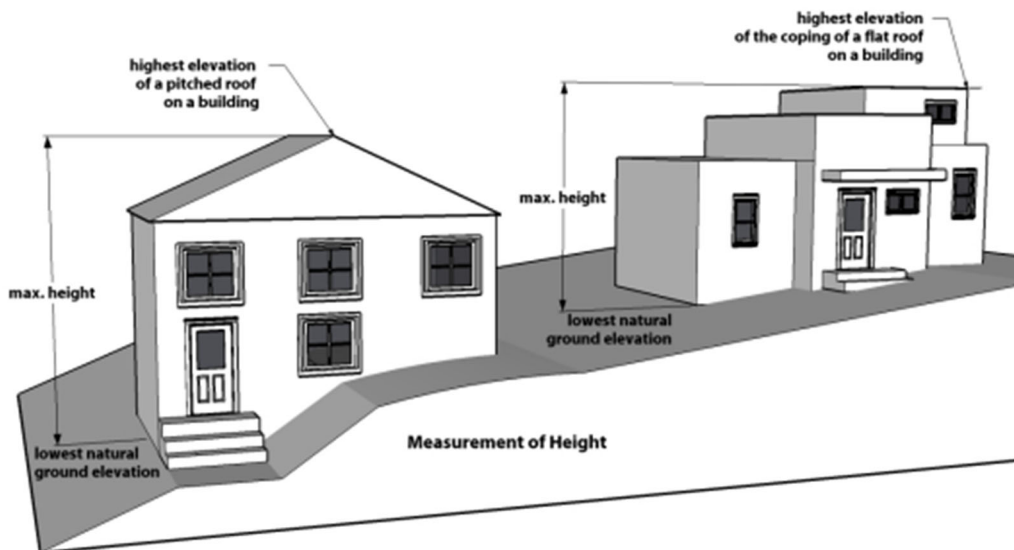
Staff used TRPA’s height measurement as a starting point and edited it to meet the needs of Truckee, simplify where possible, and ensure that it can be objectively applied. Staff reached out to the Objective Design Standards focus group, comprised of five local architects, to obtain feedback on proposed language. One member of the focus group provided feedback which has been incorporated into the current proposed language.

Currently, the Development Code measures height as the vertical distance from the highest point of the structure to the average of the highest and lowest points where the exterior walls touch the natural grade (see Figure 1), and in no case can the height of any portion of the structure exceed a height greater than five feet above the standard. There are additional allowances for split roof designs and single-family dwellings on slopes. Roof appurtenances are not allowed to exceed the maximum height limit.



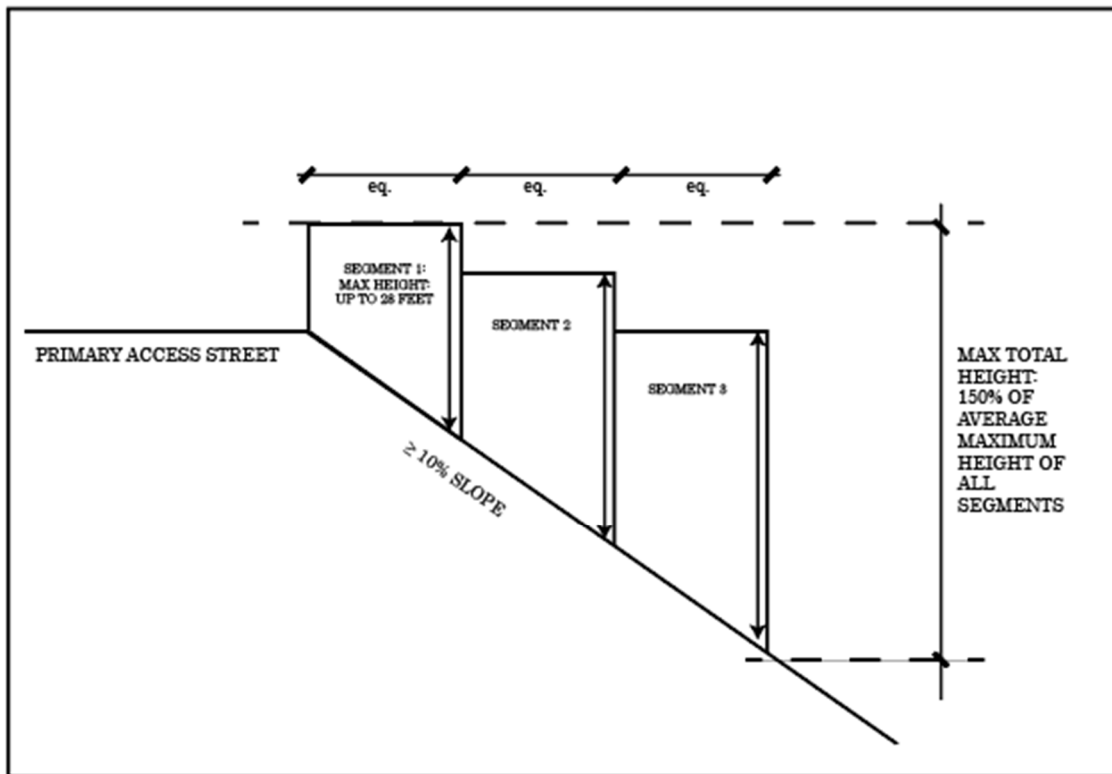
**Figure 1: Current Height Measurement Standard**

The proposed height language uses TRPA’s baseline and is measured as the difference between the point of lowest natural grade along an exterior wall of the building or building segment pursuant to Section 18.30.090.C, and the elevation of the highest point of the building (see Figure 2).



**Figure 2: Height Measurement**

For single-family residential projects on slopes of 10% or greater, staff is proposing to use a version of TRPA’s building segment measurement, which allows the building to be divided into three building segments that are equidistant in width and measure each of those segments to ensure consistency with the maximum height allowance. This section, like TRPA’s standard, also only allows a 28-foot height on the segment closest to the street and allows the total maximum height from the lowest point of lowest natural grade along an exterior wall of the building to the highest point on the structure shall not exceed 150% of the average maximum height of each of the building segments (see Figure 3).



**Figure 3: Height Measurement for Single-Family Dwellings on Slopes**

Additionally, the proposed height measurement also proposes allowing additional height for chimneys and rooftop appurtenances that were not previously allowed.

Staff believes that the proposed changes encourage responsiveness to the site while still providing flexibility to single-family dwellings on slopes.

Side Setbacks for Legal Nonconforming Single-Family Dwellings (Section 18.30.120.F.7.c)

These sections were updated to create specific criteria to allow reduced setbacks for legal nonconforming single-family dwellings and remove the requirements for an additional land use entitlement. This will allow these projects to go straight to a building permit if these criteria can be met. Legal nonconforming dwellings were constructed legally under previous standards but no longer conform to current standards.

Fencing (Section 18.30.070)

Staff has incorporated specific materials allowed for fences for projects requesting the Streamlined Residential review.

Grading and Vegetation Removal (Section 18.30.080)

Staff is proposing minor changes to clarify maximum site disturbance requirements for single-family uses.

Accessory Dwelling Units (Section 18.58.025)

New language was incorporated to prohibit location of ADUs in the -HP Overlay District between the primary residence and the front property line.

Changes to Chapter 18.25 (Objective Design Standards)

Other changes that were made based on comments received since June include the following:

- Changed the threshold for when the objective design standards apply to the whole building for a demolition or addition from 15% to 50%.
- Added new definitions for podium parking, crusher screen, and façade.
- Added an exception for solar orientation for smaller residential projects to the standard that requires buildings to be parallel to the front setback.

- Added design requirements for sidewalks and deferred to the Engineering Division on when they will be allowed.
- Increased the threshold for when a parking structure is required to 200 units.
- Added additional requirements to address blank walls of parking structures.
- Clarified requirements for the children's play lot.
- Reorganized the sections related to massing breaks, façade changes, and roofline variations for clarity and simplification.
- Allowed mirrored designs to count as a separate design with updated material and color requirements.
- Clarified when flat roofs are allowed.
- Updated colors and material allowances.
- Added Solar Reflective Index (SRI) recommendations and allowed white flat roofs that are not visible from the public right-of-way.
  - o Staff notes that this is one instance where direction differed in the comments. There was support for flat roofs with higher reflectivity which can result in a white roof and there was also support to prohibit flat white roofs. Proposed language in the Code allows white flat roofs when it cannot be seen from the public right-of-way and recommends high reflectivity. The Planning Commission may wish to discuss this further.
- Design Workshop is working on updates to the graphics.
- Allowed entrances at chamfered corners for mixed-use projects.
- Updated quantity requirements for laundry amenities.
- Updated required storage area dimensions.
- Clarified how inclusionary and workforce housing requirements apply to mixed use projects.

#### Changes to Chapter 18.79 (Streamlined Residential Review)

Updated Table 4-2 and Table 4-3 in Chapter 18.79 (Streamlined Residential Review) for clarity.

#### Global Suggested Edits

Staff received suggestions to update this chapter with general edits related to word usage and numbering formats. Staff has noted these suggestions but is proposing to continue the current practice seen throughout the Development to ensure consistency and defer these changes to a larger discussion on the Development Code. The 2040 General Plan includes Action CC-6.C (User-Friendly Development Code) which directs the Town to consider amendments to the Code to make it more user-friendly and accessible. Staff believes that these global suggested edits can be considered as part of that larger action.

#### **Next Steps**

Following this Planning Commission hearing, the Commission's recommendations will be forwarded to the Town Council for consideration at their meeting on August 22, 2023.

**Environmental Review:** The proposed Development Code amendments were assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the Town. The amendments are not subject to 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. Moreover, 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.

**Public Communication:** In addition to the standard noticing of the agenda, a display ad was published in the *Sierra Sun* on July 7, 2023.

#### **Attachments:**

1. Planning Commission Resolution 2023-12 (Draft)
2. Link to comments received:

- <https://portal.laserfiche.com/Portal/Browse.aspx?id=59658384&repo=r-6a91ddbc>
3. Link to June 20, 2023 Planning Commission memo  
<https://portal.laserfiche.com/Portal/DocView.aspx?id=59656056&repo=r-6a91ddbc>
4. Height Measurement Research – Other jurisdictions
5. Chapter 18.25 (Objective Design Standards) with track changes showing modifications since the June meeting
6. Other Development Code sections edited since June shown with yellow highlight