



Date: June 24, 2025

Honorable Mayor and Council Members:

Author and title: Yumie Dahn, Principal Planner

Title: **10236 Donner Pass Road Historic Inventory Category Redesignation and Nonrenewal of Mills Act Contract; 10236 Donner Pass Road; APN 019-080-025)**

Jen Callaway, Town Manager

Recommended Action: That the Town Council take the following actions:

- 1) Adopt Resolution 2025-44, authorizing the historic resource inventory redesignation of 10236 Donner Pass Road (APN 019-080-025), currently a Category "B" (Contributing) historic resource, to a Category "D" (Nonessential) historic resource; and
- 2) Direct staff to serve written Notice of Nonrenewal of the Mills Act contract to the property owners of 10236 Donner Pass Road (APN 019-080-025) and file the notice of nonrenewal with the Nevada County Recorder.

Project Description Staff is requesting that the Town Council authorize the redesignation of 10236 Donner Pass Road (APN 019-080-025) from a Category "B" (Contributing) historic resource to a Category "D" (Nonessential) historic resource in Truckee's Historic Resource Inventory. The structure was previously a single-family residence and is now under construction as a multi-tenant commercial building under Building Permit 2024-00000129). The purpose of this request is to recognize that no historic components of the historic resource remain and that the structure should be considered new construction. In support of this request, the Town has included a historic resource assessment prepared by an Architectural Historian at Broadbent and Associates, Inc., an environmental consulting firm that offers Cultural Resource Management services including cultural resource inventories. If the redesignation is adopted, the property would no longer be eligible for a Mills Act contract; therefore, staff is requesting that steps should be taken for the nonrenewal of the contract.

Location: The property (Figure 1) is located in the Brickelltown Character Area of the historic downtown, on the north side of Donner Pass Road, approximately 0.2 miles east of the McIver Roundabout, at 10236 Donner Pass Road (APN 019-080-025).



Figure 1: Project Location

Discussion/Analysis:

Historic Resources Architectural Inventory

In June 2003, the Town Council adopted the Historic Resource and Architectural Inventory. To create this inventory, each potentially historic building within the downtown area was reviewed by the consultant, Kautz Environmental Consultants, and was assigned a local historic rating category of A, B, C, or D:

- **Category A** buildings are considered “essential” to the historic district and retain the highest degree of integrity.
- **Category B** buildings are considered “contributing” to the historic district because they have retained a relatively high degree of integrity though they may have experienced some alterations.
- **Category C** buildings are considered “supporting” in that they have experienced substantial alteration but have retained their overall form and scale and have the potential to be restored.
- **Category D** buildings are considered “nonessential” and have been altered to such a degree that the historic information is no longer interpretable, and they no longer retain sufficient integrity to convey their significance. Category D buildings are considered nonhistoric and guidelines for new construction apply.

The Historic Resources Architectural Inventory for 10236 Donner Pass Road (Attachment #2) describes the building as a one-story, vernacular, gable-front building that is narrow and rectangular in plan. The wood-frame building sits on a raised, wood pier foundation and is covered with c. 1970s aluminum siding and horizontal wood planks. The steep pitched gable-front roof is covered in corrugated metal sheeting. The structure has a narrow eave with enclosed rafters on both the gable-front and porch. The east elevation appears to have a closed eave with only a roofing sheet metal overhang. The primary elevation faces south and has a beveled, arched, four-panel door offset to the east. Centered to the west of the door are paired, vertical, two-over-two, double-hung windows. The south gable is covered with a full-

width, dropped, shed roof porch that wraps around the west elevation for 3/4 of its length. The western portion of the porch is partially enclosed with fixed windows in the upper half of the balustrade and aluminum siding in the lower half. There is another porch addition in the rear of the building.

This was one of the smaller, more modest residences built in the neighborhood, and stands in sharp economic contrast to the larger building to the east. The building was in good condition, as of the Historic Inventory Record created in 1998, but its integrity of design, materials, and workmanship has been diminished by the loss of historic details (windows, balustrade, porch enclosure, rear additions). This structure has then deteriorated further due to the previous owner's neglect.

The property under review is rated a Category B "Contributing" resource per the 2003 inventory due to the following:

The building is in good condition, but its integrity of design, materials, and workmanship has been diminished by the loss of historic details (windows, balustrade, porch enclosure, rear additions). The aluminum siding is a distraction from the historic fabric, but may only be covering the original cladding. In its present condition, the building is not recommended as eligible for the National Register of Historic Places. It does, however, continue to embody enough of the historic architectural characteristics and reflect a sense of the historic time and place to be considered a contributory property within the proposed Truckee National Register District. The overall form and feeling provides a sense of the mixed economic status from the historic period for this neighborhood.

Key historic features include the front gable rectangular plan, the steep pitched roof with narrow eave, enclosed rafters on gable end and porch, full-width dropped shed roof on porch that wraps around to the west elevations, stick balustrades, plain wood support posts, offset wooden stairs with plain, square rails, and fenestration patterns (windows and doors) on original mass. Potential restoration opportunities included removing the aluminum siding and restoring original cladding if present beneath, replace windows with appropriate historic restoration forms, removal of the porch on the rear, and restoration of the enclosed section of the front porch.

As noted previously, since the 2003 inventory, the building has deteriorated through property owner neglect, prior to the current property owner's purchase.

Historic Design Review

In March 2023, the property owners submitted a Planning application for a Zoning Clearance (Planning Application 2023-00000025) to change the use of the building from a single-family residence to commercial and Historic Design Review for modifications to 10236 Donner Pass Road, a Category B (Supporting) historic resource. Proposed modifications included lifting the building approximately two feet to add a first floor; relocating the building 11'-6" closer to Donner Pass Road; creating an approximately 715 square-foot addition along the west and north portions of the building, thus increasing the conditioned floor area from 924 square feet to 2,736 square feet; removing the rear porch; adding an ADA ramp; reconstructing the front stairs; and installing landscaping and other site improvements. The application proposed to preserve and reuse, in their historic configuration, historically significant building materials.

On June 14, 2023, the HPAC considered the proposed relocation of the building 11'-6" closer to Donner Pass Road to determine whether relocation should be considered a "demolition" of a historic resource, which would require Demolition Review under the requirements of Development Code Chapter 18.83 (see Attachment #3 for staff report and minutes). The HPAC considered the specifics of the relocation along with the past history of the project site and recommended that the Community Development Director allow the relocation to be processed as an exterior modification in the Historic Design Review application,

without a Demolition Review, subject to the findings of the Certificate of Appropriateness. The HPAC believed that the relocation of the building was minimal and would not negatively impact the historic rating and the character of the surrounding neighborhood. The Community Development Director reviewed the HPAC's recommendation in addition to the proposed relocation and determined that the application could continue under a Historic Design Review, without Demolition Review, subject to the findings of the Certificate of Appropriateness. While Development Code Chapter 18.83 (Demolition Review) clearly states that "relocation" of a historic structure should be considered a demolition, the Community Development Director's decision was based on the fact that a previous project on this specific site was approved with a similar relocation (Planning Application 07-002) and was not required to go through Demolition Review at that time. Without this past project history, a Demolition Review would likely have been required.

At the August 9, 2023 hearing, the HPAC reviewed the project and recommended approval of the rehabilitation project with conditions related to requiring dark sky compliant exterior lighting and requiring the corrugated metal roofing to be weathered or patinaed to avoid shininess. The HPAC staff report and minutes can be found in Attachment #4. The Community Development Director reviewed the HPAC's recommendation and approved the Zoning Clearance and the Historic Design Review with minor modifications to the design including the following (See Attachment #5 for approval letter):

1. Roof: Metal roofing along the roof skirt is only permitted on the historic portion of the structure. The nonhistoric portion of the structure shall be wholly composition shingles. No snow fencing is approved.
2. Railings: Metal components are prohibited on the porch and ramp railings. The historic porch railing is approved to have additional balusters and height to ensure compliance with the building code. Wood components that are slightly different from the historic components shall be used to meet building code requirements. The ADA ramp railing shall be re-designed to be made wholly of wood. The railing at the entry of the ADA ramp on the north side shall match the rest of the ramp railing.
3. Natural gas may be plumbed to the front patio area, but installation of a firepit is not approved at this time.
4. The electrical meter shed must be concealed with a cover that matches the siding on the building elevation on which it is located.
5. The trash enclosure shall be redesigned to better match the siding of the rear of the structure. Exposed steel screening is not approved for the trash enclosure. The design of the additional enclosure for the recycle bins as required by Condition of Approval No. 18 shall be incorporated into this redesign.
6. The proposed "linguini" bicycle rack is not approved. The applicant shall propose a bicycle rack consistent with the existing racks in Brickelltown.

Additionally, the following condition of approval was applied to the project (Condition of Approval No. 10):

A detailed rehabilitation plan is required to be reviewed and approved by the Community Development Director prior to building permit issuance. The restoration plan shall include details on how the historic structure will be relocated 11'-6" to the south and raised by approximately two feet without dilapidation. Details regarding how siding materials will be preserved or repurposed shall also be included. The plan shall focus on the direction provided in the Secretary of Interior's Standards for the Preservation of Historic Buildings, using an "if/then" approach to the rehabilitation (i.e., the first step is exploration, with consultation with staff on whatever is discovered; the second step is to salvage materials, again working with staff to identify and tag the materials that will be reused; and the final step is duplication of any materials that cannot be salvaged, again in coordination with staff).

On February 12, 2024, the property owners submitted a building permit application for the project (Building Permit 2024-00000129). As part of the building permit review, the applicant submitted a rehabilitation plan (Attachment #6), which included the purpose of the plan, timeline of events, and expectations for historic materials preservation. Included in the rehabilitation plan was an expectation that “additional floor joists and beams will be sistered to the structure such that it may be fixed to the new foundation by the General Contractor.” The permit was issued on May 22, 2024 and the project is currently under construction.

Construction

In May 2024, the property owners, contractors, engineers, and staff met on site prior to commencement of construction to discuss the importance of the historic resource and expectations for rehabilitation of the structure. Staff made several site visits during the relocation process. The contractor and property owners provided information, photos, and access to the site. Missing structural framing, deficient historic additions, and degraded material were found throughout the construction process.

During a site visit, staff noted that no historic framing or exterior materials have been retained on the project and no historic structural components were sistered to the new structural features. According to the contractor and property owner, the historic framing was compromised and would not provide any benefit to the structure of the building. Due to the lack of retention of historic materials and structure, in addition to the approved relocation, lifting, addition, and modification to the roof line, staff was concerned that the implementation of the project ultimately led to the loss of historic integrity of the historic resource.

The applicant has provided a list of changes to the project from the original application. Changes include slight modifications to the roof pitch, and changes to the foundation to accommodate the actual footprint of the foundation, as well as the inability to reuse vertical supports and siding and new construction of the porch (See Attachment #7 with the applicant’s detail of the changes).

Staff notes that the property owner was cooperative throughout the building permit and construction process.

Historic Resource Assessment and Redesignation

Based on staff’s concern about the impacts to the historic resource, staff reached out to Broadbent & Associates (Broadbent), an environmental consulting firm that offers Cultural Resource Management services including cultural resource inventories, to conduct a historic resources assessment of the structure. Photos of the project prior to and during construction were provided to Broadbent. Broadbent’s Architectural Historian prepared the assessment, reviewing the project history, Truckee’s local historic rating system, the Secretary of Interiors’ Standards and Guidelines for Rehabilitation, and assessed the integrity of the resource based on the National Register of Historic Places standards and criteria (See Attachment #7).

Truckee Historic District

Broadbent’s assessment determined that the project did not preserve architectural features, individual building components, materials, and site design as required by the Town’s design guidelines. Overall, the scope of the project altered the building’s scale, form, plan, and site layout, including relocation of the building, increasing the height of the building, modifying the ridgeline of the roof to accommodate the addition, and constructing a large addition. Further, the project did not preserve historic materials.

In their report, Broadbent noted that “Truckee’s local rating system is based on the National Register concepts of significance, period of significance, and integrity. The Subject Property has been previously determined to possess significance in the areas of Architecture and Community Development

(specifically in the Brickelltown Area) during the Boomtown Years. Broadbent assessed whether the Subject Property still conveys its significance through its retention of its key character-defining features, or “historical integrity.” The National Register of Historic Places concept of integrity includes seven aspects (location, design, setting, materials, workmanship, feeling, and association) within which a resource’s character-defining features can be evaluated.” In reviewing the project, Broadbent determined that the project has not retained integrity in any of the seven aspects.

Secretary of Interior’s Standards and Guidelines for Rehabilitation

The purpose of the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings (2017) is to provide guidance to historic building owners, consultants, design professionals, contractors, and project reviewers. The four treatment standards are restoration, rehabilitation, preservation, and reconstruction. This project was intended to be a rehabilitation. “Rehabilitation” is defined as the act or process of making possible a compatible use for property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. Key standards of rehabilitation are:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Overall, Broadbent found that the project did not meet the majority of the applicable standards for rehabilitation.

Recommended Redesignation

Broadbent identified that the project does not comply with the Town’s local rating system and the Secretary of Interior’s Standards and Guidelines for Rehabilitation and “no longer retains sufficient integrity to convey its historical significance and should be reclassified to a Category D (Nonessential) resource in Truckee’s Historic Resource Inventory.” Further, Broadbent recommended that the property be reclassified as noncontributing if the Commercial Row/Brickelltown Historic District National Register of Historic Places document is amended in the future. Broadbent found that the modification to the setback of the building interrupted the street wall defined by the building frontage, which altered the character defining feature of the district.

Historic Preservation Advisory Commission’s Recommendation

The Historic Preservation Advisory Commission (HPAC) reviewed the potential redesignation of the historic resource at its February 26, 2025 hearing (See Attachment #8 for HPAC staff report and minutes). The HPAC believed that while the building has been compromised, the building retained its historic integrity and still contributes to the historic district and the Brickelltown Character Area. The HPAC stated that they believed that the building retained its form and scale as the roofline, stair location, siding, and exterior materials are all similar to the original structure (see Figure 3 for image from Historic Resource Inventory and Figure 3 for image from Broadbent’s report showing the before and after side-by-side). Overall, the HPAC noted that the project was a net positive due to the previous state of disrepair of the building. The HPAC stated that they were more comfortable with redesignating the building as a Category “C” (Supporting) historic resource. One HPAC member noted that the Category “C” rating is described to

apply to “older buildings that have had substantial alterations but retain their overall form and scale, and which have the potential to be restored.” The HPAC member noted that it did not appear that the structure would have a “potential to be restored.” However, another HPAC member stated that the description was open to interpretation. Ultimately, the HPAC voted 4-0 to recommend that the Town Council redesignate the resource to a Category “C” (Supporting) historic resource.



Figure 3: Photo from Historic Inventory



Figure 2: Photo from Broadbent's report

Staff Recommendation

Overall, HPAC’s recommendation was based on their belief that the form and scale has been retained and that the roofline, stair location, siding, and exterior materials are all similar to the original. Further, HPAC noted that they supported the investment in the historic district, particularly on a degraded historic resource.

Staff understands that some of the feel of the original building remains with the construction of the gable roof, covered front porch, and front stairs. Additionally, staff acknowledges that owning and investing in a historic resource can be challenging and costly. However, staff believes that the success of the historic district and downtown are due to the adherence of the Historic Design Guidelines and the Secretary of the Interior’s Standards and Guidelines for Rehabilitation. Allowing demolitions and modified reconstructions are not consistent with the Historic Design Guidelines and will degrade the integrity of the historic district over time. If the Town desires more flexibility in how the historic preservation principles are applied or is not supportive of historic preservation as a concept, then the Historic Design Guidelines, Historic Preservation District, and historic preservation policies should be revisited and amended to meet these expectations. Staff believes strongly that the outcome of this project is not a rehabilitation of the historic resource; this was a deconstruction and demolition of the historic resource. The project included the following components:

- The conditioned area has been increased three times the original size.
- The building has increased in height from a one-story building to a two-story building.
- The building has been relocated 11.5 feet.
- The roof ridgeline has been reconstructed and shifted.
- No structural components have been retained.
- No exterior materials have been retained.
- The stairs were torn down and rebuilt.

Truckee’s Historic Design Guidelines support preservation of original historic features and removal of non-historic alterations and reconstruction of historic features for a Category “B” (Contributing) historic resource. Additionally, the guidelines state that an historic property should retain sufficient “integrity”, meaning that a high percentage of the structure should date from the period of significance. In general, the Town’s Historic Design Guidelines support the least level of intervention to maintain the integrity of

the property. For Category “C” (Supporting) properties, the guidelines support preservation of existing historic features and restoration of the properties.

Based on staff’s analysis of the Town’s Historic Design Guidelines and the Secretary of Interior’s Standards and Guidelines for Rehabilitation as well as Broadbent’s assessment, staff recommends that the Town Council adopt Resolution 2025-44, authorizing the historic resource inventory redesignation of 10236 Donner Pass Road (APN 019-080-025), currently a Category “B” (Contributing) historic resource, to a Category “D” (Nonessential) historic resource (Attachment #1). The project has not retained any historic materials, has not retained any architectural features, the building form and location on the site have been significantly altered, and the size and height of the building have been modified significantly. Overall, the structure no longer retains any historic features and no longer has a high level of “integrity.” While the project has characteristics that are consistent with the original building, such as the gable roof, covered porch, horizontal siding, and front stairs, each component has been modified. The site no longer represents the historic development patterns of the neighborhood. Staff believes that the project is not consistent with adopted Historic Design Guidelines and Secretary of Interior’s Standards for Rehabilitation as they exist today. If a larger discussion on the purpose and future of the Historic Preservation District and the Historic Design Guidelines are desired, the Town Council may direct staff to include this item in the future work program discussion.

Due to the overall evolution of this project, staff is not recommending that the property owners go through a Demolition Review for the project. Staff notes that if the site is redesignated as a “Category D” (Nonessential) historic resource, the property would not be considered a historic resource and could be demolished without future Demolition Review. Future modifications to the building or site would require Historic Design Review but would be reviewed against standards and guidelines for nonhistoric buildings similar to new construction projects. Staff believes that this is an unfortunate loss of a historic structure that should be used to as a learning opportunity to inform future historic design review decision making. A more robust and rigorous review of major rehabilitation projects may be required to avoid these types of losses and outcomes in the future.

If the Council supports HPAC’s recommendation to redesignate the property to a Category “C” (Supporting) resource, staff will return at a future meeting with a revised resolution for adoption.

In either case, if redesignation of the project from Category “B” (Contributing) to a different category is approved, the applicant’s changes (noted in Attachment #9), which included modifications to the roof pitch, the foundation, and new construction of the vertical supports, siding and porch would be included as part of the record of the project.

Nonrenewal of Mills Act Contract

The property owner entered into a Mills Act contract with the Town on November 14, 2022 (See Attachment #10). The Mills Act is a State law allowing cities to enter into agreements with the owners of historic structures (Attachment #11 provides the link to the government code). Such agreements require a reduction of property taxes in exchange for the continued preservation of the property. Property taxes are recalculated using a formula in the Mills Act and Revenue and Taxation Code. To qualify for the Mills Act in the Town of Truckee, a building must be listed as a Category A, B or C historic resource in the Town of Truckee’s Historic Resources and Architectural Inventory and have no outstanding Code Compliance issues. Mills Act agreements have a minimum term of 10 years and are automatically renewed annually for an additional year. Unless the Town or the owner files a notice of non-renewal, a Mills Act agreement always has a term of 10 years. Under these agreements, owners agree to maintain and, as needed, rehabilitate their historic structures. If necessary, the Town may enforce the agreement if the property owner breaches the requirements to “preserve, maintain, and, where necessary, renovate or rehabilitate the historically significant and character-defining features and characteristics of the property” in compliance with the Town’s requirements.

The Town also has the option to pursue cancellation of a Mills Act contract in the event the property owner fails to maintain and preserve the historic resource in accordance with the terms and provisions of this agreement. This path requires a public hearing, a cancellation fee equal to 12.5% of the current fair market value of the property, as determined by the county assessor, and is in effect immediately. The property owner would be required to pay the fee to the county auditor.

With the recommended Category “D” (Nonessential) redesignation, the property would no longer be eligible to be party to a Mills Act contract. Therefore, if the Town Council approves the redesignation of the property to a Category “D” (Nonessential) historic resource, staff recommends that the Town Council direct staff to proceed with providing a Notice of Nonrenewal to the property owners, as required by the Mills Act legislation (Government Code 50282). Nonrenewal would mean that the automatic one-year extension would not be applied and the contract would run out the remaining nine years of the contract. Over time, the property assessment will be phased to be based on the market value of the property, rather than the reduced amount allowed by the Mills Act. Staff has discussed the nonrenewal with the property owner and there were no objections. Staff will provide the property owners with 10 days to appeal the notice at which time the Notice of Nonrenewal will be forwarded to Nevada County for recordation and reassessment of the property. A draft notice is provided in Attachment #12.

At this time, staff is not recommending cancellation of the Mills Act contract due to the original dilapidated state of the historic resource and the Town’s approval of most of the changes. However, staff notes that, in the future, cancellation and the 12.5% fee are tools that could be used in other instances to ensure compliance with the expectations of the Mills Act contract. Staff will also work on providing more information on the Mills Act to historic resource property owners as well as implementing additional criteria for eligibility into the Mills Act program.

If the Town Council opts to redesignate the property to a Category “C” historic resource, the building would continue to be eligible for the Mills Act contract. The property would be reassessed by Nevada County once construction is completed.

Priority:

<input type="checkbox"/> Enhanced Communication	<input type="checkbox"/> Climate and Greenhouse Gas Reduction	<input type="checkbox"/> Housing
<input type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Emergency and Wildfire Preparedness	<input checked="" type="checkbox"/> Core Service

Fiscal Impact: The estimated loss of revenue to the Town’s General Fund to have one residential property enter into a Mills Act contract is approximately \$1,500 per year. This estimate is based on Town revenue of approximately 15% of County collected property taxes (which are approximately 1% of the assessed property value) and includes a reduction for Mills Act assessed value. This is an ongoing loss of revenue for a minimum of 10 years (the minimum contract term).

With nonrenewal of the Mills Act a portion of this \$1,500 would be gained back each year; after nine years, the standard amount of property tax would be collected. The potential valuation of the property will likely change with the reassessment of the property once construction is completed. This amount is unknown at this time.

Public Communication: This staff report and associated agenda posting. The property owners have also been notified of this staff report.

Attachments:

1. Resolution 2025-44 – 10236 Donner Pass Road Historic Resource Rating Category “D” (Nonessential) Redesignation
2. Historic Resources Architectural Inventory (THRI-040)

3. June 14, 2023 HPAC Meeting
 - a. Staff Report: <https://portal.laserfiche.com/Portal/DocView.aspx?id=59655588&repo=r-6a91ddbc>
 - b. Minutes: <https://portal.laserfiche.com/Portal/DocView.aspx?id=59661287&repo=r-6a91ddbc>
4. August 9, 2023 HPAC Meeting
 - a. Staff Report: <https://portal.laserfiche.com/Portal/ElectronicFile.aspx?docid=59661467&repo=r-6a91ddbc>
 - b. HPAC Minutes <https://portal.laserfiche.com/Portal/DocView.aspx?id=59666390&repo=r-6a91ddbc>
5. September 12, 2023 Approval Letter
6. Rehabilitation Plan
7. 10236 Donner Pass Road Broadbent & Associates Historic Resource Assessment
8. February 26, 2025 HPAC Meeting
 - a. Staff Report: <https://portal.laserfiche.com/Portal/DocView.aspx?id=59795128&repo=r-6a91ddbc>
 - b. Minutes: <https://portal.laserfiche.com/Portal/DocView.aspx?id=59820292&repo=r-6a91ddbc>
9. January 31, 2025 Applicant-provided information related to project changes
10. Mills Act Contract for 10236 Donner Pass Road
11. Mills Act:
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=1.&title=5.&part=1.&chapter=1.&article=12
12. Notice of Nonrenewal draft template