

**Town of Truckee
California**

RESOLUTION 2022-53

**A RESOLUTION OF THE TOWN OF TRUCKEE TOWN COUNCIL APPROVING
APPLICATION 2020-000000112/HDR-ZC-ROW-LLA (KEAN-AFRICA GARAGE ADDITION)**

WHEREAS, the Town of Truckee has received an application requesting the approval of a Zoning Clearance/Certificate of Appropriateness, Right-of-Way (ROW) Abandonment/Acquisition, and Lot Line Adjustment to permit the after-the fact approval of multiple unpermitted changes to the Category "A" historic home, a proposed bathroom addition to the existing structure and the construction of a new detached two-car garage with associated covered walkway and patio and a Right-of-Way (ROW) land exchange and Lot Line Adjustment to conform new property lines to the change in ROW location at 10144 High Street (APN 019-103-002-000) in the DRM (Downtown Medium Density Residential) zoning district. Zoning Clearance/Certificate of Appropriateness approval is required for projects on historic properties with less than 5,000 sq. ft. of floor area and less than 26,000 sq. ft), a Right-of-Way Abandonment is required for the exchange of Town-owned property on High Street and Keiser Street; and a Lot Line Adjustment is required to adjust the property lines after the ROW exchange.

WHEREAS, the existing residence was built c.1880; and

WHEREAS, the existing residence was recommended to be individually eligible for listing in the National Register of Historic Places in 1998; and

WHEREAS, the local historic rating of the residence was determined to be Essential (Category A) in 2003; and

WHEREAS, in December 2004 the Town Council approved a Mills Act contract between the applicant and the Town to receive tax reductions in exchange for preserving, maintaining and, when necessary, restoring the historic resource; and

WHEREAS, in 2005, the Community Development Director approved raising the height of the residence by two feet, installing a new perimeter foundation, rebuilding of the front and rear porch and adding gingerbread detailing to the cottage; and

WHEREAS, in 2015, the Community Development Director approved a request to remove an existing wood picket fence and replace the fencing with a six-foot-tall iron fence; and

WHEREAS, the Town Council is the review authority for the exchange of Town property, and therefore is the review authority for this project, including the Zoning Clearance/Certificate of Appropriateness and Lot Line Adjustment; and

WHEREAS, the Town Council held a public hearing on September 13, 2022 on the requested Zoning Clearance/Certificate of Appropriateness, ROW exchange and Lot Line Adjustment and considered all public comment, testimony and evidence; 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 Zoning Clearance/Certificate of Appropriateness, ROW exchange and Lot Line Adjustment; and,

NOW THEREFORE BE IT RESOLVED, the Town Council hereby takes the following actions on Application #2020-00000112/HDR-ZC-ROW-LLA (Kean-Africa Garage Addition):

1. Approves the Zoning Clearance/Certificate of Appropriateness, Right-of-Way Abandonment/Acquisition, and Lot Line Adjustment to permit the after-the fact approval of multiple unpermitted changes to the Category "A" historic home, a proposed bathroom addition to the existing structure and the construction of a new detached two-car garage with associated covered walkway and patio and a Right-of-Way (ROW) land exchange and Lot Line Adjustment to conform new property lines to the change in ROW location at 10144 High Street (APN 019-103-002-000), as shown in 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 pursuant to Section 15301 (Existing Facilities) and Section 15303 (Small Structures) of the California Environmental Quality Act.

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

The foregoing Resolution was introduced by Council Member _____ and seconded by Council Member _____ at a Regular Meeting of the Truckee Town Council held on the 13th day of September 2022 and adopted by the following vote:

AYES:

NOES:

ABSENT:

Courtney Henderson, Mayor

ATTEST:

Judy Price, MMC, Town Clerk

Attachments:

Exhibit A –Proposed Plan Set and Materials
Exhibit B - Recommended Conditions of Approval
Exhibit C - Findings

**RESOLUTION 2022-53
EXHIBIT A**

**2020-00000112/HDR-ZC-ROW-LLA
KEAN-AFRICA GARAGE ADDITION
PLAN SET**

(See attachment)

**RESOLUTION 2022-53
EXHIBIT B**

**2020-00000112/HDR-ZC-ROW-LLA
KEAN-AFRICA GARAGE ADDITION**

CONDITIONS OF APPROVAL

General Conditions of Approval

1. A Zoning Clearance/Certificate of Appropriateness, Right-of-Way Abandonment/Acquisition, and Lot Line Adjustment are hereby approved to permit after-the fact unpermitted changes to the Category "A" historic home, a 48 sq. ft. bathroom addition to the existing structure and the construction of a new 506 sq. ft. detached two-car garage with associated covered walkway and patio, a Right-of-Way (ROW) land exchange and Lot Line Adjustment to conform new property lines to the change in ROW location at 10144 High Street (APN 019-103-002-000) in the DRM (Downtown Medium Density Residential) zone district, as described in the September 13, 2022 staff report and on file in the Community Development Department except as modified by these conditions of approval. ***(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 (currently \$168 for the Planning Division and \$181 for the Engineering Division) shall be submitted as an initial deposit prior to scheduling the meeting. The staff time rates shall be based on the current Town of Truckee fee schedule in effect at the time the meeting is scheduled. ***(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 Tuesday, September 13, 2022. 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 Town Council, 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 Section 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 site to ensure consistency with the Town Design Guidelines and Town Development Code. Major changes and alterations to the approved plans and conditions of approval shall be reviewed and approved by the Town Council in accordance with Section 18.84.070.B.2 of the Development Code. **(Planning Division Recommendation)**

6. Except as modified by these conditions of approval, the project shall comply with all applicable provision and standards of the Development Code (May 27, 2021) including, but not limited to the following:
 - a. General Development Standards as contained in Table 2-9 including site coverage, setbacks, and height limits, except as modified by the Planned Development;
 - 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 Lighting in accordance with Section 18.30.060;
 - h. Solid Waste/Recyclable Materials in accordance with Section 18.30.150;
 - i. Open Space in accordance with Section 18.46.060;
 - j. Outdoor Display and Sales Standards in accordance with Section 18.58.190;
 - k. Off-Street Loading Space Requirements in accordance with Section 18.84.100;
 - l. Property Maintenance in accordance with Section 18.30.100;
 - m. Parking in accordance with Chapters 18.48 and 18.50;
 - n. Landscaping in accordance with Chapters 18.40 and 18.42. **(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 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 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. **(Building Division Recommendation)**
 - a. Prior to grading or building permit issuance, the applicant shall demonstrate compliance with all conditions and requirements of the following agencies, including, but not limited to:
 - b. Town of Truckee Engineering Division

- c. Town of Truckee Building Division
- d. Truckee Donner Public Utility District
- e. Truckee Sanitary District
- f. Truckee Fire Protection District
- g. Nevada County Department of Environmental Health
- h. Tahoe Truckee Sierra Disposal Company
- i. Southwest Gas **(Planning Division Recommendation)**

10. *Construction Hours:* Hours of operation of construction activities shall be limited to Monday through Saturday from 7 a.m. to 7 p.m. or dusk, whichever occurs first, 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. No construction shall be permitted on Sundays or designated holidays set by the Town. 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 of Approval

11. Prior to building (grading) permit issuance, applicant shall submit the proposed restoration of the encroachment along the High Street frontage to the Town Engineer for review and approval, including limits of restoration, methods of restoration, material being removed, and final ground cover proposed. Scope of improvements to be removed include removal of all existing asphalt, landscaping, concrete pad, rock retaining wall, and all other improvements from the edge of the High Street roadway (EP extended) to the existing curb/fence on the property. The scope of restoration shall include placement of Town approved ground cover over all disturbed areas within the restoration limits, which may be clean gravel, hydroseed with local, hardy groundcover seed mix, an 18" tall landscaping berm a minimum of 10' from edge of pavement with hardy landscaping/xeriscaping since it will need to be capable of withstanding snow storage, or an alternatively approved typical ground cover. No irrigation will be permissible in this area, so hand watering by the property owner until establishment would be required. To note, a Hold Harmless and Maintenance Agreement may be required by the Town Engineer prior to permit issuance, in order to ensure expected vegetation growth in that area. **(Engineering Division)**
12. Prior to building (grading) permit issuance, the applicant shall provide an erosion control plan and storm water 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. If the project is expanding an existing site and the new impervious area is more than 50% of the existing impervious surface, the project shall treat all existing and proposed impervious areas. **(Engineering Division)**
13. Prior to building permit issuance, the applicant shall pay traffic impact fees and facilities impact fees (among other fees) applicable at the time of building permit review/issuance. As of September 6, 2022, the estimated traffic impact fees for the proposed 48 SF (bathroom addition) of single-family residential use is **\$162.72** (48 SF X \$3.39/SF = \$162.72). As of

September 6, 2022, the estimated facilities impact fees for the proposed proposed 48 SF (bathroom addition) of single-family residential use is **\$74.40** (48 SF X \$1.55/SF = \$74.40). 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)**

14. The project shall comply with all Town of Truckee Public Improvement and Engineering Standards that typically apply to these types of residential projects. **(Engineering Division)**
15. Cultural Resources: In the event that archaeological or cultural resources are discovered during any construction, all construction activities shall cease within 200 feet of the find unless a lesser distance is approved by the Community Development Director, and the Community Development Department shall be notified so that the extent and location of discovered materials may be recorded in a written report prepared by a qualified archaeologist, and disposition of discovered materials may occur in compliance with State and Federal law. Construction shall not recommence until the Director authorizes construction to begin. **(Development Code Section 18.30.040)**
16. 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)**

Project-Specific Conditions of Approval

17. All building materials and colors shall be consistent with the project sample board (Exhibit A). The use of cultured stone shall be prohibited. Natural stone and/or natural stone veneer may be used. **(Planning Division Recommendation)**
18. Final Landscaping Plan: The project shall provide landscaping in accordance with Chapters 18.40 and 18.42 and Section 18.30.155 of the Development Code, and as follows:
 - Prior to building permit issuance, the applicants shall submit a final landscaping plan for review and approval by the Community Development Director. All plants shall be appropriate for the Truckee climate. Native, adapted, and drought tolerant plants are preferred. The final landscape plan shall include the irrigation design plan.
 - Prior to building permit issuance, the applicant shall submit documentation of compliance with Development Code Section 18.40.060 (Water Efficient Landscape Ordinance), including all required Water Efficient Landscape Worksheets including Worksheet A (Maximum Allowed Water Allowance) and Worksheet B (Certificate of Completion) for review and approval by the Community Development Director. **(Planning Division Recommendation)**
19. The proposed slat wood fencing on the west elevation shall be reduced in height to three feet within the front setback and six feet outside of setbacks. **(Planning Division Recommendation)**
20. The applicant shall submit an after-the-fact building permit application for the unpermitted modifications before or along with permit applications for the new detached garage and bathroom addition. **(Planning Division Recommendation)**

21. The dentil blocks shall be reconstructed per the Town of Truckee's Historic Design Guidelines, Chapter 5, Section 4 (Reconstruction of Missing Features). ***(Planning Division Recommendation)***
22. The lattice (or similar screening) shall be reinstalled to conceal the foundation of the historic residence per Chapter 19, Section 2C. ***(Planning Division Recommendation)***
23. The project appears to impact overhead electrical service. It is recommended to underground the service wire to the existing service. This work shall be coordinated with the Truckee Donner Public Utility District (TDPUD). ***(TDPUD Recommendation)***

Lot Line Adjustment and ROW Conditions of Approval

24. Legal Descriptions of the transferring parcel and resultant parcel prepared and stamped by a licensed land surveyor or qualified engineer as described on Page 3 of the Lot Line Adjustment Information Sheet. ***(Planning Division Recommendation)***
25. Lot Line Adjustment Exhibit Plat conforming to the approved application tentative map. The exhibit plat must include all the information required for an exhibit plat, be prepared by a licensed land surveyor or qualified engineer, include the stamp and signature of the surveyor or engineer preparing the plat, and include the signature block for approval by the Town Engineer as described on Page 4 of the Lot Line Adjustment Information Sheet. ***(Planning Division Recommendation)***
26. Evidence of property tax payment, in the form of an original tax certificate, from the Nevada County Treasurer and Tax Collector for all parcels involved in the lot line adjustment. For additional information regarding this requirement, please contact the Nevada County Treasurer and Tax Collector's office at (530) 265-1285. ***(Planning Division Recommendation)***
27. Legal Description and plat map prepared and stamped by a licensed land surveyor or qualified engineer depicting the transferring of right-of-way, conforming to the approved tentative map. ***(Engineering Division Recommendation)***
28. Prior to building (grading) permit issuance, a legal description and plat map must be recorded with Nevada County describing and depicting the transferring of right-of-way, which shall conform to the approved application tentative map. ***(Engineering Division Recommendation)***

**RESOLUTION 2022-53
EXHIBIT C**

2020-00000112/HDR-ZC-ROW-LLA

DRAFT FINDINGS

Zoning Clearance

- 1. The proposed development is allowed by Article II (Zoning Districts and Allowable Land Uses) within the applicable zoning district and complies with all other applicable provisions of this Development Code, the Municipal Code, and the Public Improvement and Engineering Standards.**

The proposed project is consistent with the above adopted documents. The DRM (Downtown Medium Density Residential) zoning district is consistent with the single-family residential land use classification of the Downtown Specific Plan. The proposed project, with the incorporation of the Conditions of Approval, meets all applicable Development Standards. This finding is supported by the discussion contained in the "Required Entitlements" section of the September 13, 2022 Town Council staff report.

- 2. The proposed development is consistent with the General Plan, any applicable Specific Plan, the Trails Master Plan, the Truckee Tahoe Airport Land Use Compatibility Plan, and the Particulate Matter Air Quality Management Plan.**

The proposed development, with the incorporation of the Conditions of Approval, is consistent with the Downtown Specific Plan. The Trails and Bikeways Master Plan will be unaffected by the proposed development and the site is located in Zone D of the Truckee Tahoe Airport Land Use Compatibility Plan. This finding is supported by the discussion contained in the "Required Entitlements" section of the September 13, 2022 Town Council 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 of the surrounding neighborhood.**

The proposed project, with incorporation of the Conditions of Approval, is in compliance with Historic Design Guidelines of the Downtown Specific Plan. This finding is supported by the discussion contained in the "Required Entitlements" section of the September 13, 2022 Town Council staff report.

- 4. 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.**

The development is exempt from further environmental review pursuant to Section 15301 (Existing Facilities) and Section 15303 (Small Structures) of the California Environmental Quality Act.

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 development would not be detrimental to public health and safety.**

The public utility districts, and the Truckee Fire Protection District have reviewed the proposed project and no objections were filed.

6. **The site for the proposed use is physically suitable for the type and density/intensity of development being proposed; 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 type to carry the quantity and type of traffic generated by the proposed development.**

The project site is physically suitable for the development. The detached garage will provide two covered off-street parking spaces for the single-family residence. All required development standards for the project have been met. The ROW exchange will bring sections of both Keiser and High Street into compliance with Town roadway requirements. No additional traffic will be generated by the proposed project. This finding is supported by the discussion contained in the "Required Entitlements" section of the September 13, 2022 Town Council staff report.

7. **The proposed development is consistent with all applicable regulations of the Nevada County Environmental Health Department and the Truckee Fire Protection District for the transport, use, and disposal of hazardous materials.**

The Nevada County Environmental Health Department and Truckee Fire Protection District have reviewed the proposed project and no objections were filed. No proposed transport, use and or/disposal of hazardous materials is proposed.

Certificate of Appropriateness

1. **The project, including its character, scale and quality of design, are consistent with the purpose of this Chapter and all applicable development standards and historic design guidelines;**

With the incorporation of the Conditions of Approval, the proposed project is consistent with the purpose of this Chapter and all applicable development standards and historic design guidelines. This finding is supported by the discussion contained in the "Required Entitlements" section of the September 13, 2022 Town Council staff report.

2. **With regard to a designated historic resource, the proposed work will neither adversely affect the significant architectural features of the designated historic resource nor adversely affect the character of historical, architectural, or aesthetic interest or value of the designated resource and its site;**

With the incorporation of the Conditions of Approval, the proposed project is consistent with the purpose of this Chapter and all applicable development standards and historic design guidelines. This finding is supported by the discussion contained in the "Required Entitlements" section of the September 13, 2022 Town Council staff report.

3. **With regard to any property located within the District, the proposed work conforms to the historic design guidelines for the district and does not adversely affect the character of the district;**

With the incorporation of the Conditions of Approval, the proposed project is consistent with the purpose of this Chapter and all applicable development standards and historic design guidelines. This finding is supported by the discussion contained in the "Required Entitlements" section of the September 13, 2022 Town Council staff report.

4. **In case of construction of a new improvement, addition, building, or structure upon a designated historic resource site, the exterior of such improvements will not adversely affect and will be compatible with the use and exterior of existing designated historic resources, improvements, buildings, natural features and structures on said site.**

With the incorporation of the Conditions of Approval, the proposed project is consistent with the purpose of this Chapter and all applicable development standards and historic design guidelines. This finding is supported by the discussion contained in the "Required Entitlements" section of the September 13, 2022 Town Council staff report.

5. **The proposed project is consistent with the General Plan, the Downtown Specific Plan and any applicable master plan.**

With the incorporation of the Conditions of Approval, the proposed project is consistent with the purpose of this Chapter and all applicable development standards and historic design guidelines. This finding is supported by the discussion contained in the "Required Entitlements" section of the September 13, 2022 Town Council staff report.

Minor Street Vacation

1. **The excess right-of-way of the street is not required for street purposes, there are no in-place public utility facilities that are in use or would be affected by the vacation and the excess right-of-way is not necessary for present or prospective public use.**

The Engineering Division has indicated that the portion of the Keiser ROW to be exchanged is not required for street purposes, there are no in-place public utility facilities that are in use or would be affected by the vacation and the excess right-of-way is not necessary for present or prospective public use. Any and all public utility agencies and special districts with an interest in this Lot Line Adjustment and Minor Street Vacation application have been notified and have not objected. No existing utilities will be required to be relocated or removed.

Lot Line Adjustment

1. **The Lot Line Adjustment does not create a greater number of parcels than originally existed;**

The Lot Line Adjustment does not create any new parcels.

2. **The parcels resulting from the Lot Line Adjustment and development on those parcels conform to all applicable requirements of this Chapter, this Development**

Code and Title 15 (Building and Construction) of the Municipal Code;

The Lot Line Adjustment will result in a parcel that conforms to Development Code and Title 15 (Building and Construction) of the Municipal Code.

- 3. Existing utilities, infrastructure and easements, including but not limited to streets, driveways, sewer mains, water mains and electrical lines, will not be adversely affected by the Lot Line Adjustment, or if utilities, infrastructure, or easements will be adversely affected, conditions have been applied to the approval of the Lot Line Adjustment to facilitate their relocation.**

No existing utilities, infrastructure, or easements will be adversely affected by the approval of the Lot Line Adjustment. The Lot Line Adjustment will result in a uniform 60-foot ROW for sections of High and Keiser Street.