



Planning Commission Meeting Minutes

August 20, 2024, 5:00 PM

Town Hall – Administrative Center | 10183 Truckee Airport Road, Truckee, CA

1. Call to Order 5:01 PM

2. Roll Call: Chair Clarin, Vice Chair Gove, Commissioner Fraiman, Commissioner Taylor, Commissioner Cavanagh

Staff Present: Denyelle Nishimori, Community Development Director; Jenna Gatto, Town Planner; Laura Dabe, Associate Planner; Chantal Birnberg, Associate Planner; Scott Mathot, Senior Engineer; Kayley Metroka, Administrative Technician.

Applicants Present: Silver Creek: Martin Wood, SCO Planning; Industrial Way: Blair Porteous, Sage Modern

3. Pledge of Allegiance

4. Public Comment:

Nancy Costello, Owner and Broker of Tahoe Truckee Brokers: Would like to discuss California's Assembly Bill 1033 (AB 1033), allowing homeowners to sell Accessory Dwelling Units (ADUs) separately from their primary residence. Placer County, locally, is the first to opt in. In Oregon they have been selling ADUs for 10 years. Would like the Town of Truckee to opt in.

5. Approval of Minutes

5.1 May 21, 2024 Minutes

Commissioner Cavanagh made a motion that was seconded by Vice Chair Gove to approve the May 21, 2024 Minutes as submitted. The motion passed and carried the following vote:

Ayes: Chair Clarin, Vice Chair Gove, Commissioner Cavanagh, Commissioner Taylor

Noes: None

Abstain: Commissioner Fraiman

Absent: None

5.2 July 16, 2024 Minutes

Vice Chair Gove made a motion that was seconded by Commissioner Taylor to approve the July 16, 2024 Minutes as submitted. The motion passed and carried the following vote:

Ayes: Chair Clarin, Vice Chair Gove, Commissioner Cavanagh, Commissioner Taylor

Noes: None

Abstain: Commissioner Fraiman

Absent: None

6. Public Hearings (Major Review)

6.1 Application 2021-00000060/DP (Silver Creek Estates); No Address Assigned (APN 019-820-001); Applicant/Owner: Neptune Investment LLC – Reza Shera; Agents: FormGrey Studio/SCO Planning. Chantal Birnberg, Associate Planner

Recommended Action: That the Planning Commission adopt Resolution No. 2024-08, approving the following actions based on the recommended findings and subject to the recommended conditions of approval:

1. Determine the project to be exempt from the provisions of CEQA per the Class 32 exemption for In-Fill Development Projects (Section 15332 of the CEQA Guidelines); and
2. Approve the Development Permit

Clarifying Questions for Staff:

- What is the difference between a concession and a waiver reduction?
 - An incentive/concession is something that provides actual cost reduction and they can only ask for so many depending on the amount of affordable housing they provide. They are asking for a development standard reduction as a concession. They could have asked for fees to be reduced or help in a different way, something that isn't a development standard precluding the project from being built.
 - The State Density Bonus slide on the staff presentation has some examples of this.
- But they are only allowed one incentive for 5% of...?
 - For a project providing at least 10% of their units as lower income, they get one incentive/concession.
- So, five units out of 40 allows them seven waivers, or unlimited?
 - We haven't seen any more creative incentives requested.
 - Per the density bonus chart, doing 5% at very low provides unlimited waivers and reductions.
- What is an acceptable agreement look like regarding access off of Winter Creek Road, since it is a private road?
 - According to the Town Attorney, he wants a judgement by a court. Or if they don't want to go that way, it could be a recorded agreement between the HOA and the developer.
- Assuming the HOA doesn't want to give access, they would need a court judgement to be able to travel over that road?
 - That is what the Town Attorney has determined.
- Have we received any clarification as to when Silver Creek exited the HOA?
 - It does not appear they were ever in the HOA.
 - When the subdivision was approved, the developer owned the single-family home sites and parcel B and slated it for future development. We think the developer's intent was to put it in the HOA as part of Winter Creek once it was built. We don't know what happened with the private sale. It is likely they have legal access but their attorney contacted ours and we shared what we could, but their attorney deemed the letter confidential.
- The Winter Creek drivers currently have access past the Silver Creek site?
 - Correct.
 - Applicant: Condition 28, we are not thrilled with the way it was written. It first started with the town wanting to get involved since it's a private road. We understand we have to maintain our internal road. That morphed into the new condition 2 and I was told by the Town Attorney that condition is going to stay.
 - Staff: read Condition #28 from the staff report.
- Regarding the routing comments with TTUSD- can you explain the comments received from them?

- They have a new director of transportation that wasn't aware of the routing and he was told by a member of the community this project was an affordable housing project, which is not correct. Staff met with the director and once given the correct information, he no longer had concerns.
- Isn't onsite management required for buildings that have over 16 units in California?
 - Management is not required per a condition of approval. They need to follow all state and federal laws so if that is one, they will need to abide.
 - Applicant: It is the intent of the owners to use a local property management company.
- The concerns with crossing Brockway is already an issue that people deal with, so I don't know if there is a way to put an intersection higher on the list?
- Has the fire department reviewed the most recent plans?
 - Yes, they have been routed all plans.
 - Applicant: Two of the aisle locations we widened by two feet so they went to a very high level of detail how they would fight a fire.
- Would all light fixtures be dark sky compliant?
 - Yes, they would meet all of our exterior lighting requirements.
- Does Winter Creek have a snow off-load plan and do you use it?
 - Yes.
- There aren't any gated communities in Truckee?
 - Per the 2025 General Plan and the 2040 General Plan there is a prohibition on gated communities. Any gated communities we have were prior to the adoption of the last General Plan.
- Could Winter Creek maintain their own gates?
 - We feel the intent on the prohibition on gated communities is to keep communities whole and not try to section off different types of residences.
- Can we make "right turn only" a condition?
 - It could be considered.
 - That is bestowed upon the Town Engineer and standards.
- Where do the traffic impact fees go?
 - They go into the Traffic Impact Fee Program which is utilized for various intersection improvements throughout town.
- Could they put a right turn only sign on both access points?
 - We don't know what the legal access agreement is. It would still be the Town Engineer's determination on what signage is allowed there and just for reference, one of the design elements in the General Plan is: Enhancing connections and connectivity within and between the various parts of the community.
- It is private property though.
 - The encroachment from the private property from the main road could be up to the Town Engineer's decision.

Clarifying Questions for Applicant:

- Is this developer intending to go vertical or get the entitlements and sell the project?
 - He is talking about an improvement plan so I think that is his intent.
- What will the rent be for the market rate units?
 - Not sure, rates will be dependent on the true cost.
- Do you know if this particular developer has built in the mountains before?
 - I do not know that, but I know he has decades of development experience, I just haven't don't one with him.
- Which unit would be the management unit since onsite management is required?
 - I am not sure which unit, if it is a state law, we will comply.
- Are these all going to be long-term tenants?
 - We are going to comply with the town code, he wants long-term tenants.

Public Comment:

- **Michelle Kositch, President of Winter Creek Homeowners Association:** I'd like to have a copy of what the applicant just provided the commission. We have had zero interaction with the developer. For him to make the commission think he is working with us, that is disingenuous. We want to work with the developer and the town. I'd like to know about the fire code. Did the Fire Marshal approve this? The sidewalk isn't even painted as of today. We are not in favor of this due to health and safety issues.
- **Claire "Sudsy" Torbeck, Winter Creek resident:** We were told originally that any agreement would be a civil issue. Who is in charge when we enter into an agreement? We haven't agreed to any agreement, we just got this minutes before this meeting.
- **Bonnie Demartin, Winter Creek resident:** Fire safety- there is not adequate access for equipment to serve a three-story building. The Fire Marshal has told us these roads are too narrow for a fire truck. Bike path maintenance- the bike path should remain open during construction. The lack of parking – what will Winter Creek do on this topic? The police chief of Truckee has stated they will not tow people who are parking in Winter Creek. Snow removal – 2-4 spots will be lost in snow season.
- **Cathy Kedzie, Winter Creek resident:** Snow storage and off hauling services- these will create an unsafe ingress and egress in Winter Creek. We need an off-hauling plan. We are seeking the Town of Truckee create a condition of approval to create a comprehensive plan on how Silver Creek will deal with the plan given a two-day delay. The rodeo was here last week, and we had parking in Winter Creek. What happens when the new library is built? The crossing is already unsafe, when you add snow it becomes impossible.
- **Jim Mooth, Winter Creek resident:** We have a concern with the crossing of a major road. The crossing is already unsafe and when you add snow, it gets even more unsafe. This traffic study was done between the hours of 3pm-6pm, not during a day with snow. We would like to see a three-way stop sign at that intersection. People going from the east to the west cannot see. It would not cost the town that much.
- **Schatzi Boyd Winter, Winter Creek resident:** I am not opposed to parcel B becoming a housing area, but I am opposed to the density it is being proposed at. Who will monitor illegal parking, dog poop, potential crime, etc.? There are enough of these potential safety problems and in the winter it gets even worst. The area is hazardous now.
- **John Kedzie, Winter Creek resident:** The first risk is the increase in the increase of residents in the Silver Creek area. From what I understand, the storage is not double the size and does not note it is ramped. Another risk is the safety of the residents. The traffic study does not include any roads in Winter Creek, but Brockway. There will be increased traffic flow. I am hoping you do not approve the proposed plan.
- **Joe Smith, Winter Creek resident:** I developed 14 hospitals in seven different states. This shows very little respect for the residents that the applicant is not here. This feels like this is being shoved down our throats. Does someone have to die there? I was riding my bike and there was an accident involving a propane truck and three people were hospitalized. We can't just paint stripes there, we need rapid flashing lights. If someone is going to have to die before the town does something? You have to respect the 145 homeowners in Winter Creek.
- **Jai Gohel, Winter Creek resident:** The idea that 76 parking spots is going to cover all of those people and not have overflow into Winter Creek is absurd. The closest public parking

is about half a mile away. The rodeo is an example of bad parking. There was parking on both sides, several owners called the police and the police didn't do anything.

- **Michael Kane, president of Winter Creek:** shows a map of Henness Flats and cars parked. On any given day you have 30-40 cars parked in the overflow of the neighborhood. Is the snow storage really going to work? No. It seems like fake math. We are unique and have very narrow roads. Winter Creek will turn into a raceway. When we ask the town what happens during this, it becomes a civil issue.
- **Mark Heine, Winter Creek Resident:** The revisions of the proposal didn't do much in our eyes for the safety concerns. The streets of Winter Creek are much narrower than other streets in Truckee. In the winter the streets become even narrower. Our neighborhood has many walkers, bikers, pets, and children playing all year round. Almost all that pedestrian activity takes place on those streets due to the narrow sidewalks. The additional 70 plus cars will pose serious safety concerns along with fire evacuation concerns. We all need to admit it was a huge mistake thinking they could add this development here.
- **Derek Iverson, Former president of Winter Creek HOA:** our neighborhood is filled with pedestrians, pets and because we know each other and drive carefully, we are able to look out for each other. Adding additional non-stakeholders will ruin that. Solutions- Putting a gate at one end of a community a "gated community". Has anyone evaluated that this will help local housing if we don't know what the rent will be? Is that something that shows that this will be affordable for the workers of Truckee?
- **Matt Kern, Winter Creek resident:** California has a statewide housing crisis. Safety: Winter Creek is unique, streets are narrower, residents and visitors are not allowed to park on our streets. There are always close calls on accidents. The snowbank here gets so high that it becomes almost impossible to see. Solution: place a traffic light. Where are the residents going to park when the snow removal is delayed?
- **Jim Francis, Winter Creek Resident:** There has been no communication with our HOA and the developer. Where is this developer? It disrespects the process, town staff and people here today. The CEQA law gives you the power to deny this tonight, there is clearly a public safety issue.
- **Barbara Kane, Winter Creek Resident:** An issue that hasn't been addressed – the school bus pickup and drop off. The current school bus time blocks the entrance during rush hour, what is the solution to that?

Deliberation:

- Regarding comments regarding fire safety – this project will not get approved without the fire department. They cannot get waivers or concessions for fire safety.
 - Staff: This current plan has been approved by the fire marshal.
- I like the comment regarding keeping the bike path open during construction.
- Winter Creek had concessions when it was getting approved, that is why your streets are narrow.
- What is your concern with health and safety?
 - Has the fire department taken into consideration how they are going to get a truck in there when there are five cars parked on the side of the road in the right-of-way?
 - That is the fire department's job.
- Is it correct that they only require 45 parking spaces?
 - We cannot require any more than 48.
 - Staff: Yes, that is correct.

- They are providing 76, nearly two per unit, more than the requirement.
- I understand there are existing safety issues that may be exacerbated by this development. However, it is already an existing problem, so our hands are tied. The project is already going above and beyond what they are required to do per the State Density Bonus Law with parking etc.
- I think the access agreement needs to be solved between the property owner and the HOA, and that is already included as a condition of approval.
- It is easy to say the “what ifs” when there are issues, but we cannot govern like that. I don’t think we can say there will for sure be a parking problem; but we do know there was one during the rodeo, Music in the Park, Truckee Thursdays. We have events in town and several neighborhoods have to deal with parking issues and traffic issues. It doesn’t mean you deny a development for that.
- This is tough, we need housing. I do see on the map there isn’t any other way to get in and out.
- What was the original condo count?
 - 20 more than this submittal.
 - Staff: That wasn’t on the tentative map, so it was not a fully formed project.
- You can buy a house near the airport, and it is going to be noisy, and 10 years later is not the time to complain about that.
- I think we should add a condition that the bike path should be maintained during construction.
- Can we put a condition that construction parking should be onsite.
- Can’t we add additional crosswalk improvements?
 - Staff: we have been discussing how to approach crosswalk improvements throughout the years. The typical approach would be to implement roadway policies. Engineering thinks it is inappropriate to look at just this area, instead to look at the area holistically. It’s not that it’s not warranted but it seems inappropriate to recommend to the Town Engineer. It sounds like a service request.
- The concern with crossing Brockway is already a previous issue, I agree with staff on that.
- The traffic is concerning but I understand why the town wants to take a holistic approach.
- Since Winter Creek is a private road, and these are your neighbors, the new people moving in will then be our neighbors too, so why not be neighborly with these people too?
- Only five of these units are going to be affordable. In theory, the higher you are charging for rent, the higher class of people you are going to get.
- This is a high-density neighborhood; people have chosen to live there. This is a lively urban setting close to town and it doesn’t seem fair to not allow others to also enjoy that setting. Density is needed and there are only so many levers we are allowed to pull for it.
- We are setting ourselves up for failure there. The parking is going to be a disaster. I think this is a safety issue and I am not in favor of this project.
- Do these concessions and reductions result in cost savings?
 - Yes.
- Applicant: Regarding the right turn sign, if approved by the Town Engineer, we could add a slightly raised finger island that pushes it to the right that encourages residents to turn right instead of through their development.
 - Staff: This would have to be approved by fire and we do not know what the legal access is here.
- **Conditions of approval to add:**
 - Onsite management if that is not required by state law.
 - Condition of approval # 25 addition: Continue to provide bike path access through the project site during construction.
 - Condition of Approval addition: Construction parking plan: Construction parking and staging to remain onsite or another appropriate location on Town right-of-way.

- Condition of approval addition: Consider directional signage and/or raised directional finger island dependent on legal access determination to be reviewed by Truckee Fire and Town Engineer.
- I think the traffic study is flawed, and I hate that we are held to the laws made by the people in Sacramento.

A motion was made by Commission Fraiman that was seconded by Commissioner Taylor to approve Application 2021-00000060/DP Silver Creek Estates with the above modifications to the conditions of approval. The motion passed and carried the following vote:

Ayes: Chair Clarin, Commissioner Fraiman, Commissioner Cavanagh, Commissioner Taylor

Noes: Vice Chair Gove

Abstain: None

Absent: None

Chair Clarin called for a 5-minute recess.

7. Public Hearings (Minor Review)

7.1 Planning Application #2024-00000087 (Industrial Way Mixed-Use Project Amendment); 10969 Industrial Way (APN 019-700-006); Applicant: Joseph Remick, Sage Modern; Owner: Blair Porteous. Laura Dabe, Associate Planner

Recommended Action: That the Planning Commission adopt Resolution 2024-11, taking the following actions:

1. Determining the project to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities); and
2. Approving amendments to the previously approved Industrial Way Mixed-Use Project to grant a floor area ratio (FAR) increase of 0.05, allowing construction of up to 5,837 square feet of additional mezzanine floor area within the two industrial buildings and the construction of five additional parking spaces, subject to the recommended conditions of approval.

Clarifying Questions for Staff:

- How much bike parking is required?
 - Nine spaces now, one additional space. It can be reworded it to make it clearer.
- Are any of these conditions of approval necessary?
 - We have to amend the previous approval through the Project Amendment, so staff only focused on the ones that would change: the timeframes, parking, bike parking, payment of the public art fee that is required.
 - The mezzanines were not included in the original proposed project and not considered by the Commission.
 - Applicant: On the building permit it said mezzanines were available to every unit.
 - It was not approved as part of the building permit.
- He is paying \$60,000 for public art. Do we have to add more conditions? Why do we need to add bike parking?
 - You can waive that if you'd like.
- We can't waive the art fee?
 - No, that is a benefit that is associated with the floor area ratio (FAR) increase that is being granted. It must be one of the nine benefits listed in the Development Code.
- How did the 5,800 square feet get calculated, whose number was that?
 - The applicant.

- Applicant: That was based on the max we could ask for because it is a 5% bonus. It is still less than the building code allowable mezzanine space.
- I would be okay with waving one of the bike parking spaces.
- Why did the mezzanines get added to the FAR?
 - There are a lot of different types of mezzanines coming through and if it meets the building code, which is one third of the underlying floor area and other criteria, it is adding usable space and, in some cases, it could be patron space instead of storage. Ultimately, it triggers other requirements.
- Can we change the parking requirement for the applicant?
 - The applicant can do a bond. It is 125% of the materials and labor.
 - Applicant: Yes. The hardest part for me is the expiration of the right. How long could this be extended?
 - Staff: It would need to be detailed in a proposal at a future date.

Clarifying Questions for Applicant:

- Are you planning on doing the same mezzanines for every unit?
 - Per the building code you can only a percentage of the lower floor area. It states the floor area above the mezzanine is not counted towards floor area. The Development Code supersedes that now, and it now has to be counted towards floor area. The intent is to give it evenly to the 20 buyers of this space.
- Why do you want to split the parking construction up?
 - I would have to get five parking spaces done in less than 30 days, otherwise I cannot give any mezzanines to anyone until next year and I was only informed of this change in May of this year. Secondary, clause 2B, I would like the right to mezzanines to be vested rights not expiring in six years.
- Does it expire?
 - Staff: The Development Code determines when the permit expires and states that all of the improvements need to be completed. He would have four years to complete the improvements and can come in for a Time Extension.
 - Staff: An alternative option is to request a phasing schedule, that is a different Project Amendment than this.

Public Comment:

None.

Deliberation:

- I'm fine with the bike spaces without the one additional.
- I see no reason not to approve this.

A motion was made by Commissioner Cavanagh and seconded by Commissioner Fraiman to approve Planning Application 2024-00000087 Industrial Way Mixed-Use Project Amendment.

Ayes: Chair Clarin, Vice Chair Gove, Commissioner Fraiman, Commissioner Cavanagh, Commissioner Taylor

Noes: None

Abstain: None

Absent: None

A motion was made by Vice Chair Gove to amend the above motion, removing Condition of Approval #31 (the requirement for additional bike parking). The motion carried the following vote:

Ayes: Chair Clarin, Vice Chair Gove, Commissioner Fraiman, Commissioner Cavanagh, Commissioner Taylor

Noes: None

Abstain: None

Absent: None

The motion passed 5-0.

8. Staff Reports

9. Information Items

9.1 Discussion on Development Code Amendments for General Plan Implementation

Recommended Action: That the Planning Commission review the draft Development Code amendments, which are proposed as part of the 2040 General Plan implementation, and provide direction to staff.

Discussion:

- Mixed-use now means you must do both in DMU?
 - No, you can still do stand-alone residential there.
- Were any other mixed-use zoning districts contemplated?
 - Yes, there will be a Riverfront Mixed Use zoning district, but that area is currently being looked at by the R2SC Committee.
- How many other parcels do you think will be developed in the 2040 timeframe?
 - There are some for sale, but we aren't sure how many exactly will change.
- I would think the PUD would want to move over to Joerger, so it should be CMU (Corridor Mixed Use).
 - We worked with them on this language so it wouldn't force the change but would open the conversation.
- Why does DMU not require mixed use like the others do?
 - Because that was not changed in the 2040 General Plan. The downtown area is in the Downtown Truckee Plan.
 - We didn't change anything with DMU, this is all existing.
- Real Estate offices aren't allowed?
 - Ground-floor offices aren't allowed on Commercial Row.

10. Commission Member Reports

None.

11. Adjournment. 9:04 PM To the next meeting of the Planning Commission, September 17, 2024, 5:00 PM at 10183 Truckee Airport Road, Truckee, CA 96161.

Kayley Metroka