



## PLANNING COMMISSION STAFF REPORT

Meeting Date: October 29, 2024

To: Town of Truckee Planning Commission

From: Laura Dabe, Associate Planner

RE: Pioneer Commerce Center Building K-4 Development Permit and Zoning Clearance (Application #2023-0000107/DP-ZC); 10730 Pioneer Trail (APN 019-700-025); Applicant/Owner: Ciro Mancuso, Hidden Lake Properties, Inc.

Approved by: Denyelle Nishimori, Community Development Director

---

**Recommended Action:** That the Planning Commission adopt Resolution 2024-15, taking the following actions:

- 1) Determining the project to be exempt from CEQA per Section 15332 of the CEQA Guidelines (In-Fill Development); and
- 2) Approving the Development Permit and Zoning Clearance, subject to the recommended conditions of approval.

**Project Summary:** The applicant is requesting land use approvals for the construction of Building K-4, the remaining building to be constructed in Pioneer Commerce Center Phase II. A Planning Commission hearing to review the proposed project was originally scheduled in October 2023; however, the hearing was continued by the Commission due to an active code compliance case recently opened against the property.

The Phase II project was approved in 2005, allowing construction of 11 buildings and related site improvements; four of the buildings were constructed prior to expiration of the Development Permit in 2007. The Planning Commission approved a new Phase II Development Permit in 2016 to allow buildout of buildings K-1, K-3, K-4, H, L and M, and approved subsequent modifications to the 2016 Development Permit in 2017 and modifications to the Pioneer Commerce Center Planned Development in 2019. To date, all of the buildings within Phase II have been fully constructed with the exception of Building K-4, which was previously approved as a boat storage building.

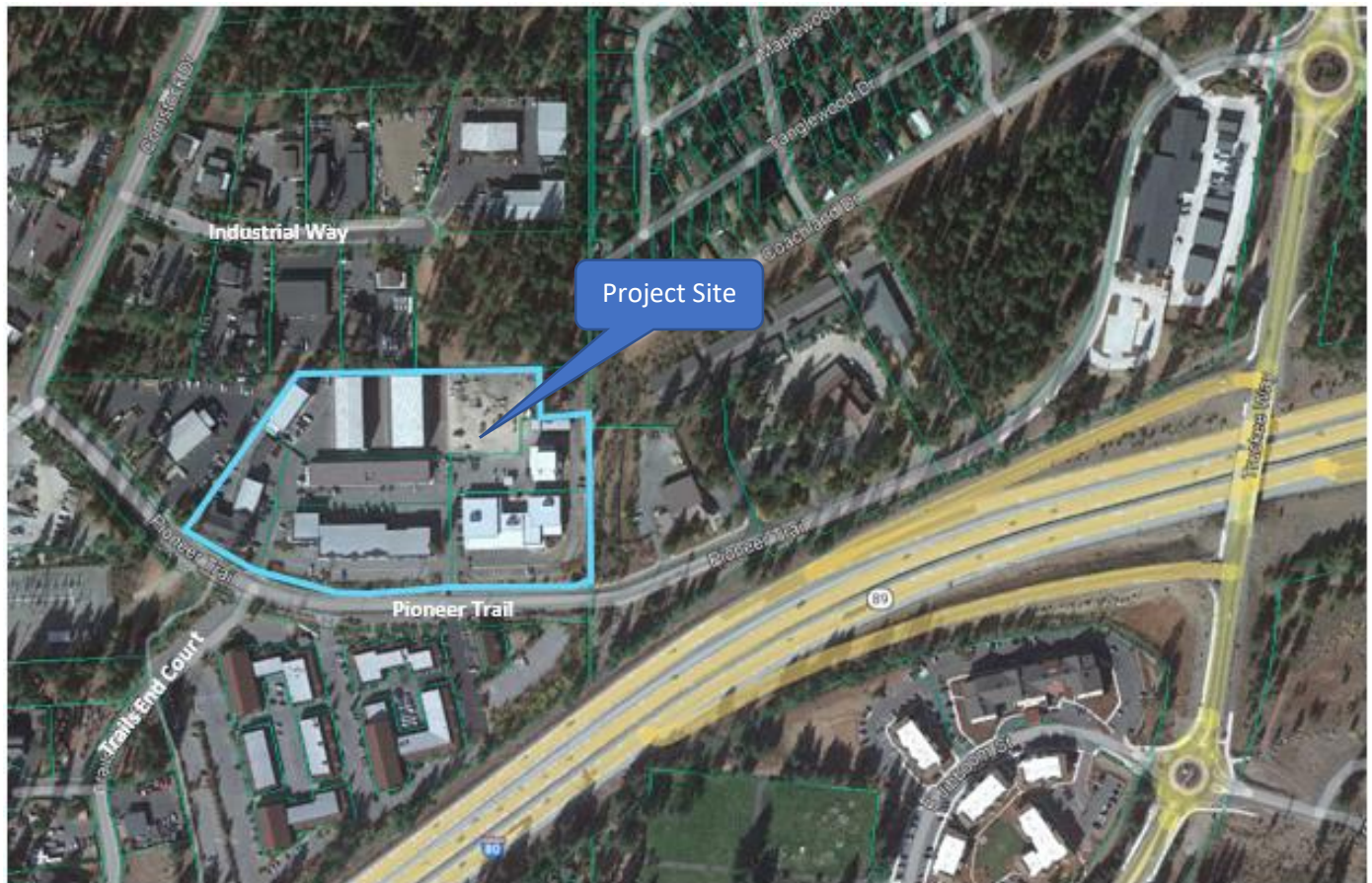
Due to the fact that the 2016 entitlements for Building K-4 have expired, the applicant is requesting new land use approvals for the construction of Building K-4. The following entitlements are requested as part of the current application:

- **Development Permit** for non-residential projects that involve new structures or additions to existing structures with a gross floor area of 7,500 square feet or more and/or site disturbance of 26,000 square feet or more; and
- **Zoning Clearance** for a boat storage building, a “commercial parking and vehicle storage” use, which is a permitted use in the M (Manufacturing) zoning district pursuant to the Pioneer Commerce Center Planned Development (Planning Commission Resolution 2019-10).

The proposed boat storage building is 11,840 square feet in size and 50 feet tall. A reduction in the building square footage from the 2016 approval is proposed (from 12,800 square feet to 11,840 square feet). No other changes to the previously approved site plan are proposed.

**Planning Commission's Role:** As the review authority for the proposed project, the Planning Commission's role is to review the proposed development for compliance with the Town's policies and standards, including consistency with the Development Code and 2040 General Plan.

**Location/Setting:** Pioneer Commerce Center is located west of the Pioneer Trail/Donner Pass Road intersection, within a developed industrial subdivision. The Phase II project is located on the north side of Pioneer Trail, near the intersection with Comstock Drive (APNs 19-700-17, -18, -19, -25, -26 and -27). The project site is located in the M (Manufacturing) zoning district and the Industrial land use designation of the 2040 General Plan.



**Figure 1: Project Location**

**Project Site Information:**

General Plan Designation:	Industrial
Zoning District:	M (Manufacturing)
Parcel Size:	2.43 acres
Proposed Utilities:	Public water; no sewer connection proposed

**Discussion/Analysis:**

**Code Compliance Case**

This application was originally scheduled for review by the Planning Commission on October 17, 2023. However, on the afternoon of October 16, 2023, Town staff observed that construction of Building K-4 had already begun. Staff determined that the construction was occurring without any land use permit or building



permit approvals, and a red tag/stop work order was issued to the property owner on October 17, 2023 for the unpermitted construction.



**Figure 2: Photo of unpermitted construction on 10/16/2023**

At the October 17, 2023 Planning Commission hearing, the applicant acknowledged during public comment that work was occurring on the project site without a permit. Staff recommended that the Commission continue the hearing due to the active code compliance case against the property, pursuant to the following Development Code sections:

- Section 18.200.080.F.3 (Recovery of Costs, Additional Permitting Fees), which states that any property owner notified of a Code violation shall correct the violation before issuance, processing, approval, or completion, as appropriate, of any discretionary permit application; and
- Section 18.200.040.D (Inspection), which states that the Code Enforcement Director may withhold the processing of and/or issuance of any and all ministerial permits and discretionary land use permits, where a documented Code violation(s) exists, until the subject property is found to be in complete compliance with any and all applicable Code sections.

The Commission took action to continue the hearing to a date and time uncertain. Town staff worked with the applicant to abate the existing code and building without finding resolution, and subsequently the Community Development Director issued an informal Notice of Violation on May 1, 2024 and a formal Notice and Order to Abate on May 28, 2024. The applicant submitted an appeal on June 5, 2024, requesting that the Town Council direct staff to withdraw the formal Notice and Order to Abate that was issued against

the property and allow construction of the building to continue. On June 25, 2024, the Town Council reviewed the appeal request and adopted Council Resolution 2024-43, taking the following actions:

- Denied the appeal.
- Upheld all staff determinations.
- Upheld the Notice of Violation.
- Upheld the order to abate, extending the compliance deadline to October 14, 2024.
- Directed staff to work with Appellant (Ciro Mancuso) in determining a solution that will satisfy the Chief Building Official and potentially allow the unpermitted foundation and/ or unpermitted the vertical steel to be maintained.
- Required that Appellant is financially responsible to pay for the required third-party forensic consultant (consultant would be under contract with the Town but paid by Appellant)
- Required Appellant to pay a deposit to Town and Town to bill against deposit for third-party consultant services.
- Amended dates in Section 5 of Council Resolution 2024-43, modifying the compliance date to October 14, 2024, in Findings 7 & 8 in Exhibit A.
- Authorized the Town Manager to execute a Tolling Agreement with the Appellant. Staff and Appellant will select a mutually acceptable third-party consultant. All permits are still required.
- Confirmed that third-party testing must be done to the satisfaction of the Chief Building Official ensuring the unpermitted installed vertical steel and unpermitted installed foundation are constructed to code.

In September 2024, staff and the applicant selected a third-party consultant (Atlas Technical Consultants LLC) to perform a structural investigation and geotechnical engineering verification, and the applicant paid the deposit to cover the cost of the work as directed by the Town Council. A contract for the work has been signed and the fieldwork was initiated on October 16, 2024 and is expected to be completed the following week. The consultant anticipates that the consultant's report will be submitted approximately three weeks after the completion of the field exploration.

In addition to finding a third-party consultant, the Building Division has initiated building permit processing for Building K-4, the Appellant has paid the initial permit fees, and the project plans have been routed and reviewed by applicable agencies. Once the consultant's findings are complete, the Chief Building Official will be able to determine if the building permit can be issued, if additional work is needed for the unpermitted foundation and vertical construction to comply with building code, or if the unpermitted work shall be demolished.

On October 8, 2024, the Town Council took action to amend Council Resolution 2024-43, extending the compliance deadline to June 30, 2025 and authorizing the Town Manager to execute an amended tolling agreement, extending the agreement to June 30, 2025.

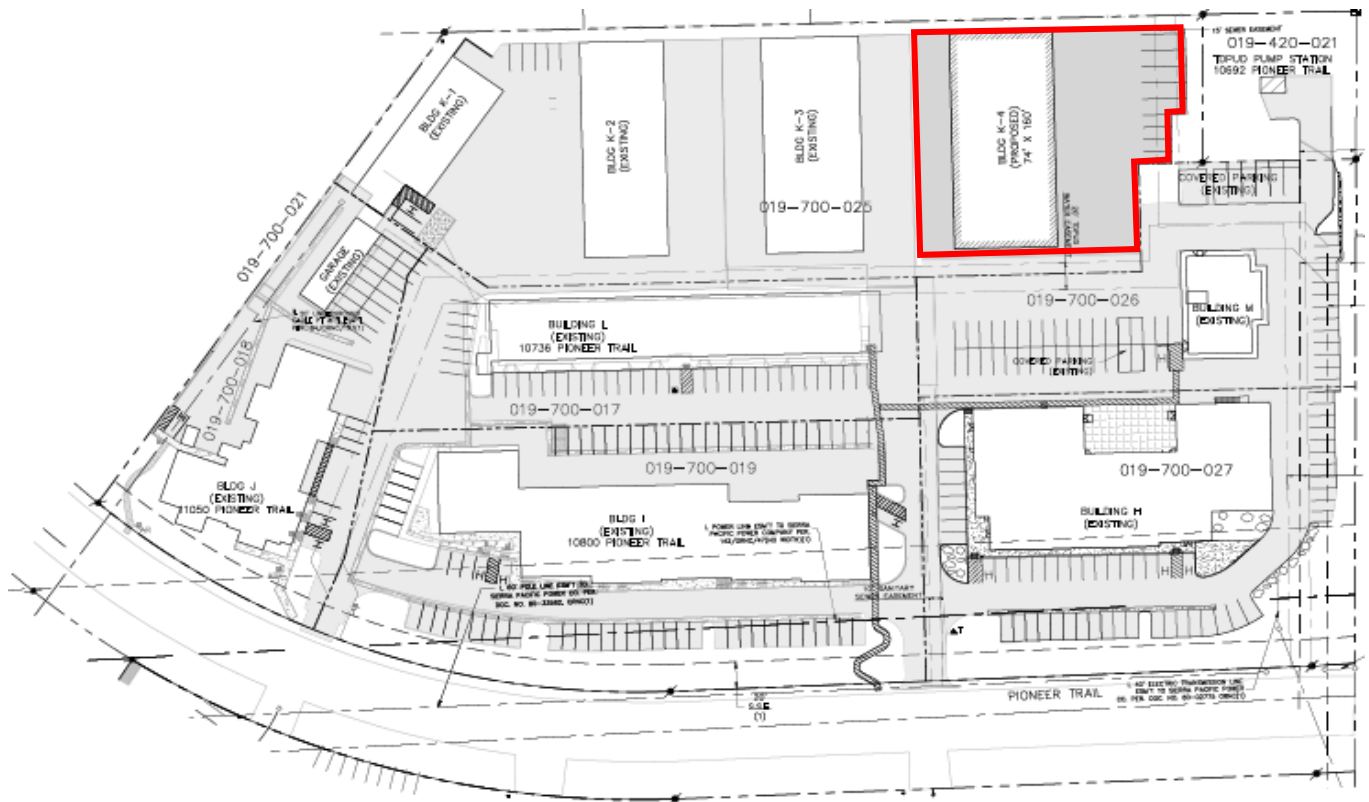
Because the applicant is actively working toward resolution of the Code Compliance case, consistent with the Town Council's direction, the Town has agreed to concurrently process the land use permits associated with the project. Any land use approvals for the project will be contingent upon the applicant addressing all required code enforcement actions. As noted in Draft Condition of Approval #5, the land use approval is subject to compliance with all required code enforcement actions pursuant to Town Council Resolution 2024-43; grading and/or building permits will not be issued until the required code enforcement actions

have been resolved; and failure to comply with all required code enforcement actions shall result in revocation of the land use approval.

### ***Project Background***

Pioneer Commerce Center was approved in 2001 (Town of Truckee Application #00-111a), with subsequent land use permits approved in 2002, 2003 and 2005 for additional phases of development and/or subdivision. The center consists of three phases (Phases I, II and III). Phase I is located south of Pioneer Trail and includes a total of five constructed industrial/office buildings. Phase II is located north of Pioneer Trail and consists of a total of nine buildings (including industrial buildings, a fitness gym, and a nine-unit apartment building). Phase III is located along Trails End Road, which is accessed off of Pioneer Trail, and is an industrial subdivision consisting of 17 lots.

Phase II was approved in 2005 through approval of a Development Permit and Planned Development (Town of Truckee Application #00-111b). All buildings within Phase II were approved as part of the Development Permit and the applicant had a total of two years to initiate the permit and four years to complete construction. A total of 11 buildings were approved with the 2005 Development Permit; however, only four of the buildings were constructed prior to expiration of the Development Permit in 2007. In 2016, a new Development Permit was approved to allow construction of the remaining buildings (reduced at that time from six buildings to five). A 10-year timeframe was requested by the applicant to allow a phased buildout of buildings K-1, K-3, K-4, H, L and M (Town of Truckee Application #2016-00000035, Resolution 2016-13); however, this was not authorized by the Planning Commission and the standard timeframes were applied to the approval. Construction of Building K-1 was completed in 2017, and construction of Buildings K-3 and L was completed in 2018.



**Figure 3: Phase II Site Plan with Location of Proposed Building K-4**

In September 2017, the Planning Commission approved a Project Amendment application which requested modifications to the 2016 Development Permit approval to increase the size of Building H, approve use of the building as a standalone fitness gym, and allow for construction of Building M as a nine-unit apartment building (Town of Truckee Application #2017-00000052, Resolution 2017-16). An amendment to the Planned Development for Pioneer Commerce Center was required to remove the size limit on floor space for health/fitness facilities and a Lot Line Adjustment was required to adjust the parcel boundaries to accommodate the proposed modifications to Buildings H and M. In May 2019, the Commission approved a Planned Development Amendment to increase the maximum floor area allowed for restaurants under the Planned Development (Town of Truckee Application #2019-00000050, Resolution 2019-10). Construction of Buildings H and M was completed in 2021.

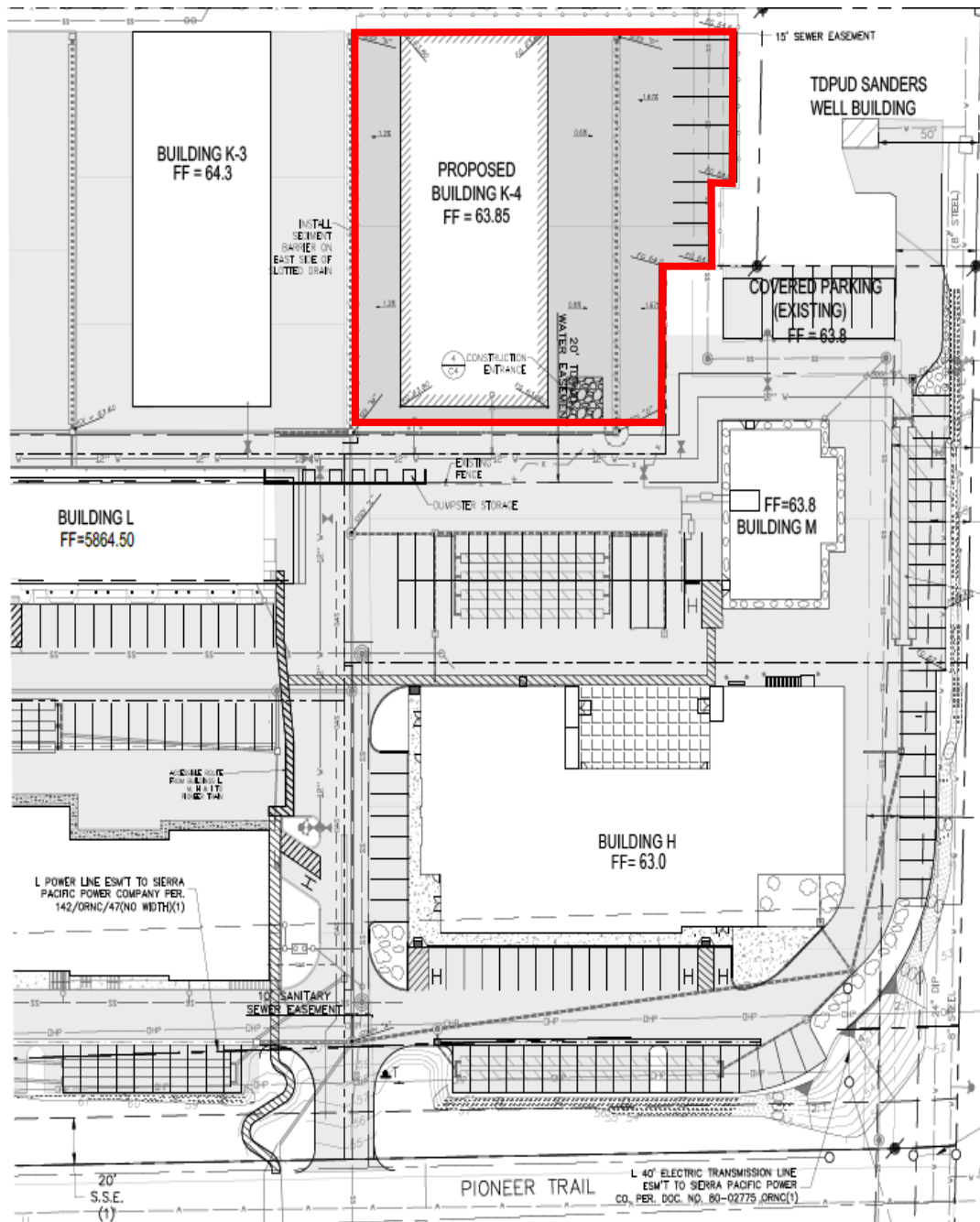
Due to the fact that the entitlements for the remaining Phase II building (Building K-4) have lapsed, the applicant is requesting new land use approvals for the construction of the last Phase II building.

### ***Project Description***

The current application requests approval of a Development Permit and Zoning Clearance to re-approve Building K-4, a proposed boat storage building that is 11,840 square feet in size and 50 feet tall. The size of the proposed building has been reduced in size from the 2017 approval (from 12,800 square feet to 11,840 square feet). No changes to the previously approved building architecture or site design are proposed, including the amount of impervious coverage, number of parking spaces, stormwater and drainage system, utility systems, solid waste system, landscaping, lighting or signage programs. (See Attachment #1, Exhibit A for the proposed architectural and site plans.)

The proposed site plan is included below in Figure 4:

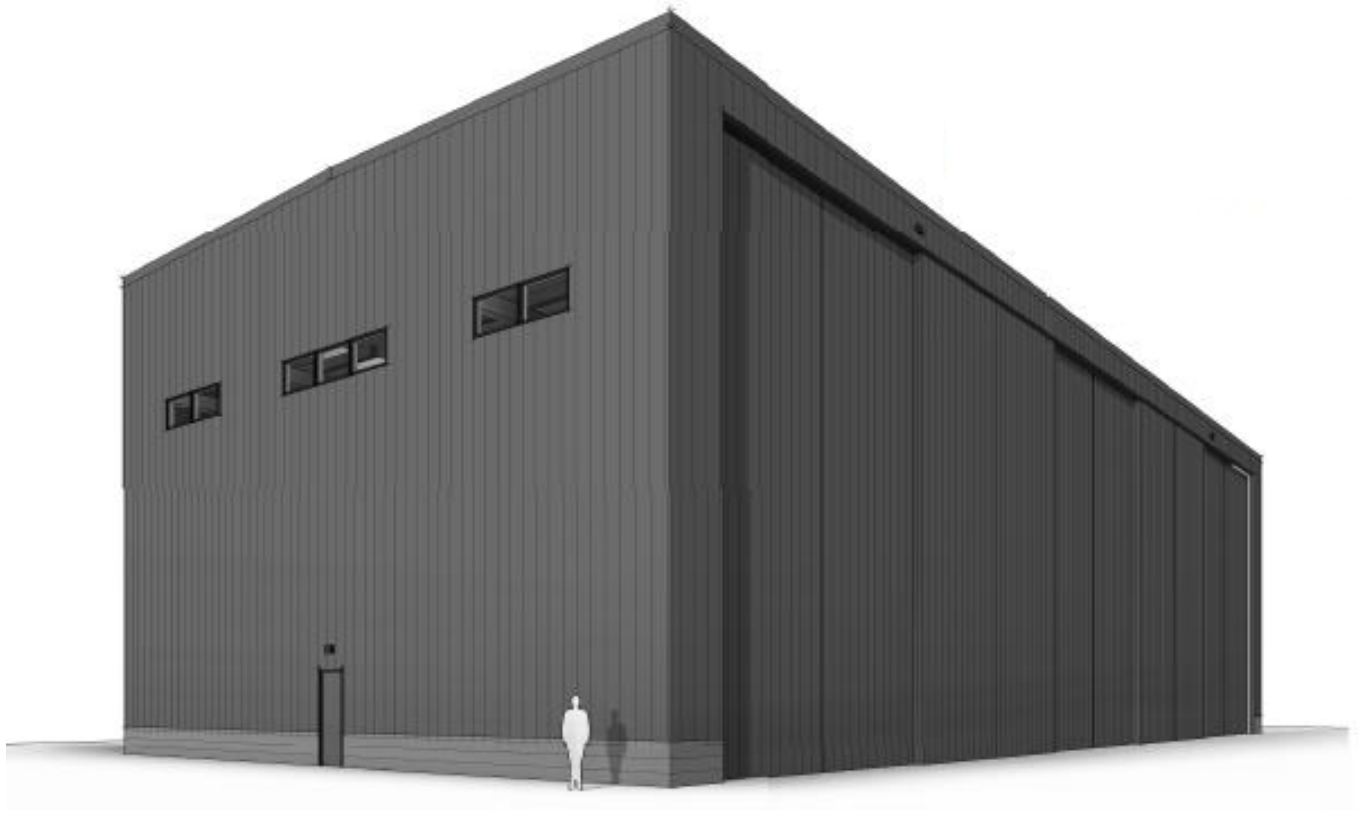
.



**Figure 4: Proposed Site Plan**

As noted above, no changes have been proposed to the architecture of the building. With the exception of Buildings H and M (approved in 2017 as a fitness gym and residential apartment building), all of the buildings in Phase II are utilitarian in nature and used for industrial purposes. An elevation of the proposed building is included below as Figure 5 and a photo of one of the previously constructed boat storage buildings is included below as Figure 6:





**Figure 5: Proposed Building Elevation**



**Figure 6: Photo of Previously Constructed Boat Storage Building**



## ***Land Use Approvals***

### **Development Permit**

The applicant is requesting Development Permit approval for development of more than 7,500 square feet of floor area and cumulative disturbance of 26,000 square feet or more. In reviewing Development Permit applications, the focus is on site layout and site/building design to ensure the best utilization of a site as well as compatibility with surrounding properties. As previously noted, the prior Development Permit for the remaining buildings in Phase II expired in 2020. This Development Permit is needed to allow construction of the remaining building. A total of 11,840 square feet of new floor area is proposed, whereas 12,800 square feet square feet was approved in 2016.

### **Zoning Clearance**

In 2005, a Planned Development was approved to allow a wider range of uses within the Manufacturing zone district in Phase II. This Planned Development was most recently amended in 2019 under Commission Resolution 2019-10. This approval remains in effect today and no changes are proposed with this application. Under the existing Planned Development, “commercial parking and vehicle storage” is a permitted use with approval of a Zoning Clearance.

Each of the above land use entitlements has required findings that must be made in order for the Commission to approve the project. The required findings are addressed in Draft Resolution 2024-15, Exhibit C (see Attachment #1)

### ***General Plan Consistency***

The Pioneer Commerce Center project was initially approved under the 1996 General Plan, prior to adoption of the 2025 General Plan. The 2016 Development Permit approval was analyzed for consistency with the 2025 General Plan. On May 9, 2023, the 2040 General Plan was adopted. The text below summarizes policies in the 2040 General Plan which are relevant to this project. Many of the previous policies which focused on providing industrial uses in Truckee have not changed.

The 2040 General Plan identifies that Truckee’s industrial sector is a central component to creating a strong four-season economy by providing residents with year-round jobs and livable wages. The Land Use Element aims to support the industrial sector by providing sufficient land for new industrial development and encouraging modernization and redevelopment of existing industrial areas. The Industrial land use designation applies to existing industrial areas and to areas determined to be appropriate for new industrial development based on their proximity to existing industrial development and major transportation facilities, as well as their distance from potential land use conflicts. The designation allows a broad range of industrial uses, including manufacturing, processing, warehousing and distribution, with a maximum FAR of 0.25.

Several goals and policies are identified within the General Plan Land Use and Economic Development that establish a framework for this site. Goal LU-4 is aimed at supporting a strong, diverse, four-season economy by maintaining a robust industrial and maker base that provides jobs for residents and is compatible with surrounding uses. Goal ED-2 aims to foster business retention and expansion efforts in key economic sectors. The following policies therefore apply:

- Land Use Policy 4.1—Ensure adequate industrial land to support a four-season economy and to facilitate relocation of existing industrial uses outside of West River District.
- Land Use Policy 4.3—Ensure the primary use of industrial designated lands is for industrial and discourage the development of commercial or office uses within industrial designations.
- Economic Policy 2.1—Ensure the availability of sufficient manufacturing, business park and light industrial space to support the resilience and diversity of local businesses in key economic sectors.

- Economic Policy 2.2—Encourage entrepreneurship and local business ownership.
- Economic Policy 2.5—Support the retention of Truckee businesses that provide resident serving goods and services.

Since its development, the Pioneer Commerce Center has functioned as one of the primary industrial centers within the town. The continued buildout of more industrial square footage achieves the Town's goals of providing adequate industrial floor area in an area designated for such uses. The Center is well-designed, with high-quality architecture throughout and ample landscaping to soften the industrial and utilitarian nature of many of the buildings. Further, there are setbacks incorporated into the overall site plan to provide buffers between the Coachland Mobile Home Park and the adjacent industrial buildings. Light fixtures are required to be fully shielded to ensure there are no light trespass impacts on the mobile home park. Buildings situated along Pioneer Trail exemplify a higher-level aesthetic and allow the Center to integrate within the adjacent neighborhood. The continued buildout of more industrial square footage will provide a wider range of options for industrial uses within the town, including the new building which will be used for boat storage, consistent with the existing buildings located within Phases I, II and III. While not all tenant spaces are used for high wage employers, the mix and variety of buildings supports a wide range of industrial users. The Phase II buildings are designed to be flexible in nature and can accommodate a variety of different light industrial and manufacturing uses.

The Housing Element requires that new industrial developments provide housing based on the number of jobs created by the project. This policy was in effect during approval of the project in 2005 and a combination of housing units have been constructed to comply with the Housing Element policies. Within Pioneer Commerce Center, a number of rental housing units have been constructed generally on the second floor of the industrial buildings. In addition to the rental units, a number of units within the Spring Creek residential subdivision were allocated as affordable, for-sale units. The combination of the rental and for-sale housing within the Center and Spring Creek satisfied the amount of housing within Phases I and II which was required to be provided. Because no additional square footage is proposed beyond what was originally approved, no new housing is required to be provided by the project. Phase III parcels are required to provide their own workforce housing separate from that provided within Phases I and II.

### ***Development Code Consistency***

The Development Code has been amended several times since approval of the Phase II Development Permit in 2016. However, the majority of the Development Code has remained unchanged, and many of the same development standards apply to the project, with the following exceptions:

#### Parking

Under Development Code Section 18.48.040, Table 3-8 (Parking Requirements by Land Use) the parking demand for a "warehouse and storage facilities" use is 1 space per each 2,000 square feet of gross floor area for the first 10,000 square feet and 1 space per each 5,000 square feet thereafter. Based on the building square footage, this would result in the following parking calculations:

- $10,000 \text{ square feet} / 2,000 = 5 \times 1 = 5 \text{ spaces}$
- $1,840 / 5,000 = 0.4 \times 1 = 0.4 \text{ space}$
- **Total: 5 spaces** (5.4 rounded down per Section 18.48.040.A.3—Rounding of quantities)

However, as noted by the applicant team, a parking analysis was prepared in 2017 for the Phase II project and approved as part of Resolution 2017-16. The portion of the analysis related to the boat storage buildings included the square footage for Building K-4 and showed nine spaces to be constructed to the east of Building K-4. Those nine spaces are proposed to be constructed as part of the Building K-4 site improvements. These requirements are documented in draft Condition of Approval #38.

### Bicycle Parking

The requirements of Development Code Section 18.48.090 (Bicycle Parking and Support Facilities) were updated in May 2021. The current Development Code requires short-term bicycle parking for non-residential uses at a rate of 15% of the number of vehicle parking spaces required under Section 18.48.090 as calculated before any parking reductions are applied through a Planned Development, density bonus or shared parking reduction. A minimum of three spaces is required in all cases.

Based on the parking demand of 5 spaces, as noted in the "Parking" section above, a total of 3 short-term bicycle parking spaces are required for the proposed project ( $15\% \times 5 = 0.75$  space, with a minimum 3 spaces required). The Development Code defines short-term bicycle parking as spaces intended for periods of two hours or less that are targeted to visitors, customers and other short-term users. Racks or devices that allow secure locking should be located in a visible location, as near as possible to entrances.

As noted above, no bicycle parking was required for the original Phase II project. However, the applicant has identified that the Phase II project currently provides 10 short-term bicycle parking spaces (two at the south end of Building L, two at Building M and six at Building L). Rather than construct bike parking adjacent to Building K-4, which the applicant believes will not be utilized, the applicant proposes to construct three new bicycle parking spaces on the west end of Building L. The applicant believes that bicycle parking in this location is more likely to be used.

In order to ensure compliance with the Town's current bicycle parking requirements, staff recommends draft Condition of Approval #40, requiring the project to comply with all requirements of Development Code Section 18.48.090 (Bicycle Parking and Support Facilities), with the approval to locate the three short-term bicycle parking spaces to west of Building L, as proposed by the applicant.

### Landscaping

The Town's landscaping requirements are provided in Development Code Chapters 18.40 (Landscape Standards) and 18.42 (Landscape Design Guidelines). The applicant has identified that a landscape plan was approved for the original Phase II project under Resolution 00-111, and that no landscaping was required for the boat storage buildings. Consistent with the previous landscape plan, the current application does not propose to install landscaping as part of the Building K-4 site improvements. The existing landscaping that was installed within Phase II is shown in Figure 5 below (required primarily along the street frontage, with no landscaping required within the area of the boat storage buildings):



**Figure 7: Existing Phase II Landscaping**

#### Solid Waste and Recyclables Storage

The Town's requirements for solid waste and recyclables storage are provided in Development Code Chapter 18.30.150 (Solid Waste/Recyclables Materials Storage). Waste capacity for non-residential structures and uses is dependent on the type of occupant and is approved on a case-by-case basis in consultation with the Town's Solid Waste Division and local solid waste provider. The applicant has noted that Pioneer Commerce Center Phase II currently has a total of four solid waste storage enclosures (four for trash and one for cardboard recycling). These enclosures are located at the east end of Building L behind a screening wall/fence. The designated area is approximately 70 feet long and has capacity to accommodate at least three additional solid waste enclosures, if necessary. Staff recommends draft Condition of Approval #41 requiring review by the Town's Solid Waste Division and compliance with the current solid waste and recycling requirements prior to building permit issuance.

#### Snow Storage

Development Code Section 18.30.130 (Snow Storage) requires all development projects that include off-street parking and circulation areas to provide areas for snow storage. In areas with a snow load less than 200 pounds per square foot, the required snow storage area shall equal at least 50 percent of the total parking and driveway area. At least half of the required snow storage area must be provided onsite. As part of the 2005 approval for Phase II, the applicant was required to provide a comprehensive snow storage plan prior to issuance of any building permits. The current project will be required to comply with the approved snow storage plan. The Engineering Division provided draft Condition of Approval #20 related to the Town's snow storage requirements.

#### ***Recommended Project Conditions of Approval***

Staff is recommending a number of conditions of approval which were previously required during approval of the initial phases in 2005 and subsequent Phase II Development Permit in 2016. The intent of this requirement is to ensure that all previous conditions are incorporated into the project's final design. Any



new development standards adopted since the initial approval have been incorporated as well. See Attachment #1, Exhibit B for the draft conditions of approval for the project.

### ***Airport Land Use Compatibility Plan Consistency***

The proposed project is located within the influence area of the Truckee-Tahoe Airport and is subject to the land use regulations of the Truckee Tahoe Airport Land Use Compatibility Plan (TTALUCP). The project is located in Compatibility Zone D. Moderate noise impacts are identified in Zone D, which the plan states are more of a concern with respect to individual loud events than with cumulative noise contours. Portions of the peak season, average day 55-CNEL contour extend into the Zone D zone. Maximum allowed densities/intensities are 150 people per acre and 600 people per a single acre. The types listed—uses that attract very high concentrations of people in confined areas—are discouraged in locations below or near the principal arrival and departure flight tracks. Hazards to flight and highly noise-sensitive uses are prohibited, and children's schools, hospitals and nursing homes are discouraged. Airspace review is required for objects over 100 feet tall and an overflight easement is required.

### ***Local Agency and Special District Review***

The application materials were routed for review by all local agencies and special districts which may have an interest in the project. Copies of all comment letters received are included in this staff report as Attachment #6. Conditions of approval related to the agency comments have been incorporated into Draft Resolution 2024-15.

**Environmental Review:** Staff recommends that the Planning Commission find the project exempt from the California Environmental Quality Act (CEQA) per Section 15332 of the CEQA Guidelines, which applies to in-fill development projects that meet the following criteria: the project is consistent with the applicable general plan designation, all applicable general plan policies, the applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare or threatened species; approval of the project would not result in significant effects relating to traffic, noise, air quality or water quality; and the site can be adequately served by all required utilities and public services.

**Public Communication:** Notice of the public hearing was published in the *Sierra Sun* on October 4, 2024, and mailed to property owners within 500 feet of the project site, as listed on the current Nevada County Assessor Tax Roll. The applicant posted an onsite sign at the project sites indicating a notice of application and information was posted about the date and time of the public hearing. As of the date of publication of this staff report, no public comments have been received regarding the proposed project.

**Staff Summary and Recommendation:** The proposed building construction will allow completion of Pioneer Commerce Center Phase II. Pioneer Commerce Center was initially envisioned in the early 2000s as a large-scale industrial subdivision. Over time, the Center has fulfilled the ongoing demand for industrial square footage within the town. The Center has been thoughtfully designed and well-managed and has proven to be an important asset toward maintaining Truckee's presence with respect to light industrial and manufacturing uses. New requirements have also been incorporated to ensure the project's compatibility with today's regulatory framework. The Code Compliance case is in the process of being resolved and the Community Development Director has determined that processing of the land use permits may continue at this point. Conditions of approval have been incorporated into the Planning Commission resolution stating that if the Code Compliance case is not resolved in compliance with the direction and timeframes established by the Town Council, the land use entitlements will be revoked. It is staff's opinion that the findings necessary to approve the requested Development Permit and Zoning Clearance can be made and staff is recommending approval of the project.

**Alternative Actions:** Actions that the Planning Commission may take as an alternative to the recommended action include:

1. Continue the public hearing to a date and time certain. The Planning Commission may request additional information from the applicant and/or staff. (If new information is presented at the next meeting, the public portion of the hearing must be reopened on the new information submitted.)
2. Find that an exemption to CEQA is not suitable and require the preparation of an Initial Study in accordance with CEQA.
3. Land Use Permits
  - a. Approve the Development Permit and Zoning Clearance subject to adding, modifying, or eliminating any provision or condition of approval of the project.
  - b. Deny the Development Permit and Zoning Clearance on the basis that one or more of the required findings cannot be made.

**Attachments:**

Attachment 1 – Draft Planning Commission Resolution 2024-15

- Exhibit A: Conditions of Approval
- Exhibit B: Proposed Plan Set
- Exhibit C: Findings

Attachment 2 – Project Description/Applicant Justification Letter

Attachment 3 – Agency comment letters