



Planning Commission Meeting Minutes

May 21, 2024, 5:00 PM

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

1. Call to Order 5:02 PM

2. Roll Call- Chair Clarin, Vice Chair Gove, Commissioner Cavanagh, Commissioner Taylor. Commissioner Fraiman was noted absent.

3. Pledge of Allegiance

4. Public Comment:

Chair Clarin opened Public Comment.

Seeing none, Chair Clarin closed Public Comment.

5. Approval of Minutes

5.1 April 16, 2024 Minutes - Regular Meeting

Edits: None.

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

Ayes: Chair Clarin, Vice Chair Gove, Commissioner Taylor

Noes: None

Abstain: Commissioner Cavanagh

Absent: Commissioner Fraiman

6. Public Hearings (Minor Review)

7. Public Hearings (Major Review)

7.1 Application 2021-00000060/DP (Silver Creek Estates); No Address Assigned (APN 019-820-001-000); Applicant/Owner: Neptune Investment LLC – Reza Shera; Agents: FormGrey Studio/SCO Planning

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:

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

Approve the Development Permit

Applicant Presentation given by Martin Wood

Clarifying Questions for Applicant:

- Did the design process include three-story buildings to preserve open space?
 - We were trying to comply with the height requirements and we would have exceeded that if we went another level.
- If this was a third story would this be over the height requirements?
 - Staff: It's 3.5 stories or 35 feet.
- How would that be over the height requirement?
 - To maintain the architectural features of the high pitch roof it would be over the height requirement.
- What are the plate heights of the interior living spaces?
 - As designed, the ceilings are at 9 feet.
- What is the measurement from the mudsill to the top plate of the top floor?
 - 19 feet.
- How much can we ask the developer for redesigns? What are they open to?
 - If we went to three stories on buildings one and two, and we were able to go five feet above the 35-foot threshold, we could look at that being an option. We would be increasing the height of the two buildings to the west of Winter Creek.
 - The site meets all of the town's requirements except for site coverage and more parking would be an added bonus.
 - If we were able to make buildings one and two three stories, we could eliminate building 8. That would add more open space and landscaping.
 - We could also take buildings three and four into the space that building eight would go.
- If they were to move ahead with the two three-story buildings, would they still need the waiver reduction in open space or site coverage and if they don't, they could possibly put more recreational amenities on site, which might then reduce the need to cross the street to use the park.

Clarifying Questions for Staff:

- Has height ever been approached for this project?
 - We have suggested a redesign of this project multiple times to make these waivers and reductions not necessary. Under state density bonus law, we don't have the ability to require them to redesign.
- The applicant hasn't been told they must do three stories?
 - No, the town cannot require that.
 - They can request a waiver for height.
 - The two-story design is about 32 feet.
- Is there onsite/offsite management? What are the laws, what can we require?
 - Staff have added conditions of approval that require management along with a parking plan management. I don't believe we can require onsite management.
 - We are requiring there is management by the owner or a company we have information from.
 - Applicant: The owner is planning on selecting a local property management company to manage the project.
- What happens if they use a property management company and then stop using them?
 - They would be in violation of their conditions of approval and it would move to code compliance.
- Is this project taking any financing from state or federal grants?

- Not that we are aware of.
- So that would limit the necessity of Section 8?
 - Yes. These are standard inclusionary low income, 60% of AMI units.
 - Section 8 Housing does have different options within that, so a property owner can choose to accept Section 8 vouchers to replace rental income. That could be in any unit or neighborhood, a single family or a multifamily.
- But in this case, is it not required as opposed to the Artist's Lofts?
 - Correct.
- The remaining 35 units will be market-based rent?
 - Yes.
- Is that intersection that goes across the mid island striped?
 - No.
- How do we get that striped?
 - You can provide a request to the Town Engineer to stripe it.
- Did the project consider putting in a signalized crosswalk there? Or a button that flashes to let people know pedestrians are crossing.
 - The current direction as to when we introduce rapid flashing beacons at crosswalks is near school zones and hospitals.
- Isn't there one across from the mobile home park to the golf course?
 - No. The crossings on Brockway Road are all lit from the center islands but do not include rapid flashing beacons.
- We could ask due to the fact it is a recreation center?
 - You could request it. It is under the purview of the Town Engineer based on the Town Council's placement of that jurisdiction to the Town Engineer.
 - There are different opinions on whether to add striped or unstriped crossings and rapid flashing beacons. One professional body of opinions thinks when you provide rapid flashing beacons or markings in crosswalks, that provides a perception of safety, and the driver might not be aware of and puts more onus on the person trying to cross the road. There is not necessarily a true sense of protection in crosswalks and the functionality relies on both drivers and pedestrians to be aware.
- Are there definite numbers or surveys that support that?
 - Not necessarily.
- There is a perception amongst the public that it is safer.
 - Correct.
- Is there a way to put a minimum lease term to these rental units to sway some of the fears of constant turnover in the neighborhood?
 - The only thing the town can require is that the units are not short-term rentals, so the leases would have to be 31 days or more.
- These units would not have the same requirements at the Artists' Lofts, correct?
 - When the Artist's lofts were doing their financing package, they got tax credits so that has certain affordability requirements as part of that. They also proposed vouchers for that project. The vouchers are specific to that project, and they go to a housing authority and are assigned a number of units to be available to someone on their housing list. That is something that the developer wanted in their financing package. This is not the same scenario as this project. They are not proposing to use vouchers. To clarify- any property owner can take vouchers on their own for a rent subsidy.
- What would it take to put a light in?
 - For there to be enough traffic to reach the level of service thresholds to warrant a traffic signal.
 - The Town Engineer bases his decision on the California Manual on Uniform Traffic Control Devices, which is the state standard. When we reach that level of service F with the four hours of delay, which we are currently nowhere close to, then we start looking at intersection improvements.

- General Plan policy is that we don't install new traffic signals so any improvements would likely be a roundabout if traffic volumes warrant it.
- Do we as the commission have any leverage to say to put in a roundabout?
 - No.
- Can we request additional traffic calming?
 - Yes, you can request it. The pedestrian crossing and intersection have most, if not more, of the improvements that are currently being installed in similar roadways/crosswalk scenarios around town (i.e. lighting, raised pedestrian island, left-hand turn pockets, etc.)
- The rapid flashing light doesn't solve people coming out of Brockway Road and trying to make a left turn. I feel that is going to be the major challenge here. There is more traffic than the traffic study shows.
 - The traffic study was prepared by LSC, a licensed traffic consulting firm. We don't base our traffic studies off of winter, gridlocked, or temporary sight distance based on snow banks.
- What other opportunities are there?
 - Regarding sight distance – a request can be put into public works to knock the snow down or run the blower by to improve sight distance.

Public Comment:

Michelle Kosich, President of Winter Creek HOA: On behalf of the Board of Directors; Regarding Health and Safety, we want to partner with the town and the applicant. We see gaps in the current plan. Owners signed a discloser that there would be a 20–25-unit townhome built here. This project has felt fast tracked. We are greatly concerned about this project and have had zero interaction with the applicant.

Derek Arberson, Resident: While we are lucky to have access to the children's park, children and families must cross Brockway Road as well as the entrance of Winter Creek, safety needs to be taken into consideration. Also concerned with snow storage.

Bruce Starkweather, Resident and licensed architect: Served as Vice Chair of Sacramento's General Plan. Please stop the train for a moment and let's deliberate and work together. One of the neighbors was shocked to see there were no announcements on this project. There has been no engagement or outreach from the applicant for years.

John Kedzie, Resident: Are these market-rate units going to be affordable to locals who need housing? Has anyone checked on that? I think the traffic study is faulty or incomplete. I think it needs to be done differently. I support the original plan of 20 townhomes, not the current proposed plan.

Michael Kane, Resident: I was well-aware of the 25 units, but that has now changed. Provided a visual map. It is really mind blowing that our hands are tied due to the state. I am currently superintendent of the Tahoe Donner Maintenance Services, and you cannot ramp snow into this area. Now we are introducing 20 equipment vehicles to this small space.

Mary Ingersoll, Resident: I am across the street from the new proposed development. I agree with the comments from my neighbors before me. I would encourage the town to do a new environmentally study. Berkeley is very different from Truckee. It is a very different environment.

Suzette Birnbaum, Resident: I have a son with down syndrome and my goal for this community is to create a space in Truckee they feel comfortable in. My biggest concern is the clientele that is moving in is not safe in our community and there is nowhere safe for these young adults to live. Winter Creek is safe, and I am worried about the people moving into this safe neighborhood.

Brad Chisholm, Resident: The demographic of Winter Creek is a local neighborhood with people who contribute to what defines Truckee. Winter Creek has very narrow streets and has had to put in engineering controls due to motor vehicles shortcutting and speeding. From January 1, 2021 – current, Truckee Fire responded to The Artist’s Lofts 70 times. EMS and fire were the most common responses with large vehicles in a small space, much like this project.

Doug, Resident: The traffic study seems to be lacking. We need to have serious changes to the roadway. All these changes should be at the cost of the new developer. The developer isn’t here today.

Matt Carreira, Resident: Concerned about child/pet safety due to the narrow streets and snow storage. There have been multiple car accidents in the development this year. This proposal is to add 80 extra vehicle traffic to the development.

Sebastain Beifort, Resident: Regarding snow storage, the project space states 7,673 square feet available. This number is incorrect with a difference of over 2,000 square feet. The project doesn’t meet the Building Code Section 18.13.130. In this case the Town Engineer has given a waiver and I believe this is pushing the limit. We should do a CEQA of these facts. (chart provided in Public Comment submitted online)

Jai Gohel, Resident: The traffic study is ridiculous. On our property – the snow berm is so high I have almost been hit several times as is. If there are 30-day rentals- there could be seven people living there. I am a trial attorney and I have done civil cases- free legal advice: slow this down. Fast tracking this because you are afraid of the state law. When the town might deal with someone dying due to this project.

Susan Mandez, Resident: There are 9 children up the street and they are constantly playing in the street along with dogs. We all know each other in this neighborhood and take care of each other. A major concern is the traffic this is going to create.

Saila Kariat, Resident: I built my home in the south bay and I checked every single box but my neighbor wanted a specific type of home there, and my house plans were turned down. I know you have the discretion. Silver Creek is 40 acres with 170 homes.

Vinod Kariat, Resident: Regarding pedestrian safety – in winter the roads are very narrow, icy, and dark. The crossing on Brockway is unsafe as well. There is no recreation in this new development, so residents will be crossing to the park off Brockway.

Daryl Henzel, Resident: I was very aware there could be a 25-unit condo/townhouse development that would go into that space. My greatest concern is the precedent it sets should an urban like high density go in at Winter Creek or anywhere at Truckee. The owner of this land is Neptune Investments LLC; are they trying to sell this to the resorts for J-1’s? At least the J-1s don’t have any cars.

Joe Smith, Resident: We have a good plow service and still there is not much room on these roads. It is already a very dangerous situation with the snow storage.

Harry Smith: The word “granular”, this has been a 100% administrative process to date. There has been no subjectivity. I understand the guides and state mandate, but where is the granularity and reality check? When things affect life safety, it trumps the density bonus.

Stephan Moore, General Manager at Gravity House: I think we need to take a step back and reevaluate the safety concerns.

Chair Clarin called for a 10-minute recess at 6:51 PM

The Commission reconvened at 7:00 PM

Deliberation:

- The state makes us fast track these projects.
- No, this is a density bonus. The developer is using state law to increase density so it's not a project, it's density bonus.
- Our hands are tied due to fair housing laws. We cannot decide who can rent these units, that is discriminatory.
- The projects are allowed to have deed restrictions like workforce housing.
- Yes, correct.
- I don't think this site can support that type of density. I agree with the public comment with the safety issues. There is going to be gridlock on Brockway and people are going to use the Winter Creek Road as the main ingress and egress to Palisades.
- The intersection does create a great deal of concern.
- This might create a health and safety problem.
- I still think there are traffic issues.
- Increasing parking would alleviate some concerns.
- I want to see how to move this along and address the major concerns.
- That additional area might also open additional space for snow storage.
- I do not think we have all the information we need to make a decision.
- I agree, I would like to see the redesign.

Martin Wood, Applicant: I spoke with the owner, and we would like to request a continuance and come back before the commission with a revised plan.

Vice Chair Gove made a motion that was seconded by Commissioner Cavanagh to continue Application 2021-00000060/DP Silver Creek Estates to a date and time certain of August 20, 2024, Planning Commission Meeting.

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

Noes: None

Abstain: None

Absent: Commissioner Fraiman

7.2 Application No. 2024-00000029/APL (10198 Thomas Dr SB9 Appeal)

Recommended Action: That the Planning Commission adopt Resolution 2024-09 thereby taking the following actions:

Determine the Community Development Director's determination exempt from the California Environmental Quality Act (CEQA) Guidelines per Section 15300.1 (Relation to Ministerial Projects).

Uphold the decision of the Community Development Director in denying the 10198 Thomas Drive SB9 Two-Unit Development application (Planning Application 2023-00000154).

Deny the appeal requesting reconsideration of the height requirements and rereview the project based on the development standards applicable to single-family residences, on the basis that Senate Bill 9 legislation allows for local agencies to impose objective zoning standards and by definition, the proposal has failed to satisfy these objective standards.

Presentation given by applicant, Christian Bratt

Applicant Questions to Staff:

- How did you objectively obtain a 16-foot height limit for SB-9?
 - That is something that was crafted by town staff and adopted by Town Council.
 - The legislation says the local agency can adopt objective standards, it doesn't say the standards have to be arrived at objectively. The standards themselves simply have to be objective.

Clarifying Questions for Applicant:

- Why didn't you try a redesign?
 - I did. I can prove this over email, and it was the second rendition based on what the Town of Truckee told me.
- Does the design include space within the four-foot setback?
 - Correct. If you would like I can remove that tonight.
- Why didn't you do that before?
 - I went to the Town of Truckee, and they said it was a four-foot setback limit and I realized they had made a mistake or maybe they would, and I would end up in this position.
- Once you received the letter stating what was inconsistent with the building code you decided not to go back and redesign to address those issues, you decided you were going to move forward with it as is, which you knew wasn't within the town's standards?
 - I think what you are referring to is when they sent me somewhat of a review letter and they said I did not request to use the new height limit standard on my project and my project was submitted before the height limit standard was implemented and I believe that was unjust and I did not want to reply to that.
- It seems like there are some other inconsistencies that you also didn't want to address? The staff report states there were several standards that were not being met by the design, so you decided not to redesign it based on the current understanding of the standards?
 - Can I please get a specific example?
- The standard is decks may encroach six feet into rear setbacks but must remain 14 feet from rear property lines. The decks in your proposed design are 10 feet from the property line.
 - That is incorrect. I submitted a new set with a response to every correction that Mr. Kannall had, and I redesigned the deck to include that requirement.
- Staff: I want to clarify, staff asked Mr. Bratt if he would like to redesign the project, and he stated he would prefer a denial, so we issued a denial, which had an appeal date, and he appealed within the appeal date. Since then, he has submitted a revised plan set. One of the things he did remedy was cutting the deck off at the proper setback, but revision is not part of this appeal.

Clarifying Questions for Staff:

- The 16-foot limit specifically has to do with an ADU, correct?
 - The 16-foot limit relates to two-unit projects under the SB9 Ordinance and was adopted back in December of 2021. SB9 doesn't have single family residences, so the verbiage is a little different. It has primary units and an ADU and or a JADU.
- Why would this SB9 project have a 16-foot limit but the Silver Creek project did not?
 - It is different zone districts. Silver Creek is a multi-family zone district.
 - Different structures have different height requirements. Whereas an ADU does have a 16-to-18-foot height limit depending on where it is placed on the lot. SB9 units also have a 16-foot maximum height standard.

Public Comment:

Robin Lavery, lives next door to the proposed project: We do have concerns about a 5,900 square foot four-unit SB9 housing project on the cheapest and smallest lot in Truckee at 0.17 acres. We would like to know who Harlikan Homes are, we would like to know who is financing this project. Who is going to be the full-time residents? Parking is an issue. There has been no talk of affordable housing in these units. I am wondering about the integrity and ethics of the developer because I believe you are under the influence of alcohol, I think you are drunk, sir.

Dave Sheeths, lives next door to the proposed project: This size lot is 7,405 square feet. 4,023 feet coverage exceeds the 50% mandate for SB9. The appeal contradicts the principle that SB9 should not face more stringent regulations than the single-family homes within the Town of Truckee. I think the applicant is questioning these people's principles and I cannot believe you are doing that. You are asking the town to bend the rules just for you. The rules were presented to you, and you chose not to follow those rules. An individual property owner means a natural person holding fee title individually or jointly in the person's own name or beneficiary or trust that holds fee title. The individual property owner does not include any corporation or corporate person of any kind. I suspect there is corporate money behind this project.

Lillith Anderson, neighbor of proposed project: I am here to speak for myself and on behalf of both of my neighbors. Not everyone in the neighborhood received notification of the public hearing. We are a single-family neighborhood with single dwellings. That is a big structure and is going to have a big impact on the neighborhood. My concern is erosion and erosion mitigation. What is the impact of the people and the people below the proposed structure.

Cynthia O'Connell Sullivan, neighbor of proposed project: A structure that is 6,000 square feet and 45 feet high, that will destroy our community as well as other communities like it. I am not sure that a 1.7-acre lot can maintain and sustain such a project. The design of the bridge is very significant. The most significant area on Thomas Drive is the project where this is proposed to be built. For traffic safety, it is a very high traffic area.

Applicant Rebuttal:

The high square footage that is being brought up includes non-conditioned space, which is generally not included. As far as the snow storage, we have 10 feet on each side, so we have even more snow storage than is required by the code. Traffic safety- the project includes four garages as well as four parking spaces in front of the garages. Are you just worried about your equity? I believe their points are selfish and I know this town ten times more than them, I have never seen any of you before. I believe this entire room is full of nimbys.

A motion was made by Vice Chair Gove that was seconded by Commissioner Taylor to Uphold the decision of the Community Development Director in denying the 10198 Thomas Drive SB9 Two-Unit Development application (Planning Application 2023-00000154). The motion passed and carried the following vote:

Ayes: Chair Clarin, Vice Chair Gove, Commissioner Taylor, Commissioner Cavanagh
Noes: None
Abstain: None
Absent: Commissioner Fraiman

8. Staff Reports

8.1 2024 General Plan Development Code Amendments Update

9. Information Items

None.

10. Commission Member Reports

None.

11. Adjournment 8:34 PM To the next meeting of the Planning Commission, June 18, 2024, 5:00 PM at 10183 Truckee Airport Road, Truckee, CA 96161.

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