

## APPEAL REQUEST FORM

The Village at Gray's Crossing Car Wash (Planning Application 2022-00000034; 10012 Edwin Way; APN 043-070-010)

Project Number/Name of Decision being Appealed: \_\_\_\_\_

Type of Decision: (i.e. similar use determination, use permit, tentative map, variance, etc.)

Project Amendment to the Development Permit

Description of Decision: Approval of Car Wash Amendment to Development Permit for Village at Gray's Crossing

I/we hereby appeal the decision as follows:

Appeal Description (**Attach additional sheets if necessary**):

1. Detail what is being appealed and what action or changes you seek. Specifically address the findings, mitigation measures, conditions and/or policies with which you disagree.

Appellant seeks denial of Project Amendment until after proper CEQA review. Please see attached letter.

2. State why you are appealing—be specific. Reference any errors or omissions. Attach any supporting documentation.

Project processing did not comply with required procedures, as approval of the Project is not "by-right," and the Project is not exempt from CEQA. Please see attached letter.

3. Please provide a summation of your arguments in favor of the appeal.

Approval of the Project is not "by-right," and the Project is not exempt from CEQA. Please see attached letter.

4. State the changes or action requested of the appeal body.

Reversal of the Planning Commission's decision and denial of the Project Amendment until the Project follows proper procedures. Please see attached letter.

I/we certify that I/we are the: ☐ Legal owner(s) ☒ Authorized Legal Agent(s) ☒ Other Interested Persons

Name: **Michelle Black, on behalf of Fairway Townhomes Assn**

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Appellant(s) Signature: \_\_\_\_\_



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January 26, 2024

*Via Email [PlanningDivision@townoftruckee.com](mailto:PlanningDivision@townoftruckee.com)*

Town Council  
Town of Truckee  
10183 Truckee Airport Road  
Truckee, CA 96161

Re: Appeal re The Village at Gray's Crossing Car Wash  
Planning Application (2022-00000034/DP)  
10012 Edwin Way, Truckee

Honorable Mayor and Town Council Members:

This appeal is submitted on behalf of Appellant Fairway Townhomes Association (Appellant) concerning the Planning Commission's approval of a Project Amendment to the Development Permit for the carwash at the Village at Gray's Crossing ("Project").

The Project permits construction of an automated car wash that can service one car every 90 seconds on the same parcel where a gas station, convenience store, and appurtenant car wash have previously been proposed and rejected in the past. Instead of filing an application for a new land use, the developer sought and obtained from the Town a Permit Amendment on the premise that the project being proposed is the same as was originally contemplated. However, the Project is substantially different from that contemplated – but notably not approved – in both 2004 and 2019. Instead of the 1,800-square-foot service station and convenience store proposed in 2004 or even the 756-square-foot car wash attached to a gas station and convenience store considered in 2019, the Project proposes a 100-foot-long car wash completely unrelated to a gas station. The Project's main building would be 3,883 square feet, and 122 feet long. A separate vacuum pump building would be constructed, as would 13 parking stalls and nine vacuum stations. This Project is 5x larger than the previously-rejected car wash, with greater environmental and community impacts.

The Project has been relocated to within 200 feet of homes, in particular, near recently constructed affordable housing, even though the study prepared by the Applicant admits the carwash will generate sounds above 85 dBA. Placing the carwash nearest to affordable housing also presents environmental justice and equity issues that must be



addressed. Located a mere 20 feet from Prosser creek, a tributary to the Truckee River, the car wash and its users will discharge chemicals into the creek, including proprietary formulas that have never been analyzed by the Town or the Applicant's studies. These environmental and human health impacts have never been adequately analyzed, disclosed, or mitigated under the California Environmental Quality Act (CEQA). Accordingly, the Town's reliance on the 2004 Specific Plan or the EIR certified for that plan nearly 20 years ago violates CEQA.

In approving the Project Amendment, Truckee has abruptly and arbitrarily reversed its 2019 decision, in violation of planning law and the California Environmental Quality Act (CEQA). Given the lack of changes to the underlying facts and conditions, the Planning Commission process seemed designed to evade public notice, review, and, most importantly, participation. Appellant acknowledges that the Town Council's review of this matter is de novo and respectfully requests that the Council reverse the Planning Commission's approval of this harmful Project and deny the Permit Amendment. If the Council wishes to consider the Project further, Appellants request that the Applicant submit a new application for what is a material change to the 2019 approval and perform a full and adequate review under CEQA.

#### **I. The Planning Commission's Reversal on the Car Wash is Arbitrary and Capricious.**

Twice, a gas station or car wash has been proposed at the Village at Gray's Crossing, and twice it has been removed from the Applicant's proposal before the Town granted entitlements. In 2019, the Planning Commission expressed concern about community opposition and the developer's failure to undertake CEQA review to analyze and mitigate potentially significant environmental and community impacts. Minutes from the August 20, 2019 Planning Commission hearing reflect that the Planning Commission only approved the Applicant's Development Permit on the condition that the gas station and car wash be removed. Once the Applicant removed the car wash from its proposal, the Planning Commission granted the Development Permit, and construction of began. At the time, the Applicant agreed to replace the gas station, convenience store, and car wash with "something that the neighborhood would want." (Planning Commission Minutes, August 20, 2019, pp. 21-22.)

Surely, the Town cannot justify granting the Permit Amendment to add in a larger car wash than the one that was expressly removed before the Town would grant the Development Permit. As Appellants characterized the Project to the Planning Commission, "a Development Permit that was only approved after the car wash was removed, which has been granted 4 additional years of time, is now seeking to add a land

use that is not part of the Development Permit and that would have likely precluded approval of the 2019 Development Permit in the first place...”

On the contrary, a car wash was not analyzed in the Gray’s Crossing Specific Plan EIR and one was specifically excluded from the Village’s Development Permit. Accordingly, the Applicant’s proposal for a car wash should be treated as an entirely new application, subject to all required discretion and environmental review. The Town’s approval of a Project Amendment to add back in the portions of a project that were explicitly removed in order to obtain approval subverts the goals of predictability and community protection underlying planning.

## **II. Approval of the Project is Not By-Right.**

Without support, the Planning Commission Staff Report asserts that the Project is “permitted by-right” within the Grays Crossing Specific Plan “so it is not the Commission’s role to deliberate on the appropriateness of a car wash use at this location.” (Planning Commission Staff Report, p. 37.) This is neither correct nor consistent with the Town’s past actions on this very issue.

First, the evidence that the Project is “by-right” appears to be that “gas stations/car washes” are listed as an allowable use in the Specific Plan. However, the Project proposed is not a gas station/car wash at all. It is a free-standing car wash, capable of servicing 45 cars per hour, with 13 parking spaces and nine vacuum bays. This is not the same type of use contemplated in the 2004 Specific Plan. This is demonstrated by the specific details of the project the Town considered when it approved the 2004 Specific Plan and certified the EIR. That Project called for an 1,800-square foot service station and convenience store. There was no car wash. (Planning Commission Staff Report, p. 39.) If a car wash was contemplated, the slash in the “gas station/car wash” label indicates that the car wash would be appurtenant to a gas station, such as in the 2019 proposal for an 1,800-square-foot gas station with 756-square foot car wash, which the Town rejected. Nothing in the Specific Plan discusses the type of Project proposed. Instead, the Project qualifies as a project where a “car wash” is the primary land use, which the current Development Code specifically defines as “Permanent, self-service and attended car washing establishments, including fully mechanized and automatic (drive-through) facilities”.

Second, “permitted” is not the same as “allowed.” On the contrary, car washes in Truckee require conditional use permits. While they are certainly allowed, they require the satisfaction of conditions. The Town must make findings about the propriety of the conditional use in the specific location requested. Here, the Project is proposed for a parcel zoned ‘CN’ (Neighborhood Commercial). Car washes are only allowed within the ‘CN’ zone with a Conditional Use Permit throughout the Town of Truckee. Conditional

Use Permits are classic discretionary permits subject to CEQA compliance. (Public Resources Code s. 21080(a).) Thus, the Project also cannot be approved without CEQA review. Appellants request that the Project be required to apply for a conditional use permit, as required, and that the Town conduct the required discretionary CEQA review before continuing consideration of the Project.

Finally, the Town's past practice indicates that, up until January 16, 2024, at no point in the last twenty years has the Town considered a car wash "by-right" in the Specific Plan.

### **III. The CEQA Guidelines Section 15183 Does Not Exempt the Project from Environmental Review.**

The CEQA Guidelines provide for 33 classes of projects that generally do not have a significant effect on the environment and therefore may be exempted from CEQA review. (*Committee to Save Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1186, citations omitted.) Truckee attempts to rely on Guidelines section 15183, which exempts "projects consistent with a community plan or zoning." It is the Town's burden to prove that the proposed Project fits within this class of categorical exemption. (*California Farm Bureau Fed'n v. California Wildlife Conservation Bd.* (2006) 143 Cal. App. 4th 173, 185-86; *Save Our Big Trees v. City of Santa Cruz* (2015) 241 Cal.App.4th 694, 697.) Truckee has failed to meet its burden.

Interpreting the language of a categorical exemption is a question of law reviewed de novo by the Court. (*Great Oaks Water Co. v. Santa Clara Valley Water Dist.* (2009) 170 Cal.App.4th 956, 967-968.) "Since a determination that a project falls within a categorical exemption excuses any further compliance with CEQA whatsoever, [courts] must construe the exemptions narrowly in order to afford the fullest possible environmental protection." (*Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 677, 697, citation to *Azusa Land, supra*, 52 Cal.App.4th 1165, 1193.)

The applicable CEQA exemption applies to projects that are "consistent with a community plan adopted as part of a general plan" and that have a certified EIR for that Specific Plan. (Guidelines section 15183(d).) The exemption does not exempt review of environmental effects that "are peculiar to the project or the parcel on which the project would be located," or "were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan," or "are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or [a]re previously identified significant effects which, as a result of substantial new information which was not known

at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.” (*Id.* at (b).) The exemption also “does not affect any requirement to analyze potentially significant offsite or cumulative impacts if those impacts were not adequately discussed in the prior EIR.” (*Id.* at (j).)

The car wash Project is not demonstrably consistent with an adopted community plan, and the Project will have environmental effects peculiar to the Project or parcel that were not analyzed in a previous certified EIR. Reliance on this exemption is improper.

Preliminarily, as discussed above, there is insufficient evidence that the Project is “consistent with” the 2004 Village at Gray’s Crossing Specific Plan. Nothing in the Plan, or in its EIR, discuss free-standing car washes. This is evident when viewed in context of the 2004 proposal. The Project considered by the Town upon approval initially called for a gas station and convenience store that was never constructed. After expiration of the initial approvals, a 2019 “gas station/car wash” (gas station with co-located car wash) was proposed, but the permits were only granted after the Applicant removed the gas station and car wash. And, as discussed further below, the 2004 Specific Plan EIR did not consider the Project- or site-specific impacts of a high-capacity car wash on the edge of a creek tributary to the Truckee River, next to homes. It reviewed a gas station, but not a car wash. The term “car wash” does not appear in the Draft EIR, Draft EIR Technical Appendices, Final EIR, or Final EIR Technical Appendices.

#### **IV. The Project Will Have Significant and Adverse Environmental Impacts that Have Not Been Disclosed, Analyzed, or Mitigated.**

As raised by members of the community during public comment before the Planning Commission, the car wash Project will have environmental impacts that “are peculiar to the project or the parcel on which the project would be located,” or “were not analyzed as significant effects in” the 2004 EIR certified for the Specific Plan. Moreover, the EIR fails to address “potentially significant off-site impacts and cumulative impacts” and “substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.”

The failure to disclose, analyze and mitigate these impacts renders inapplicable the CEQA exemption contained in CEQA Guidelines section 15183. Furthermore, even if applicable, CEQA exemptions are subject to exceptions. CEQA contains an exception to categorical exemptions when a project would cause cumulative impacts. (CEQA Guidelines §15300.2.) CEQA Guidelines section 15300.2 subd. (b) prohibits use of a categorical exemption “when the cumulative impact of successive projects of the same type in the same place, over time is significant.” (CEQA Guidelines § 15300.2(b).)

As Appellants admit in their January 11, 2024 letter, a gas station, not a car wash, was analyzed in the EIR. However, even this gas station was proposed for a different location. Thus, neither site-specific nor Project-specific impacts have been addressed. The EIR's analyzed gas station location was the southwest corner of the Village Area, accessible from Henness Road, and immediately east of the roundabout exit from SR 89. This location would have avoided community impacts on residential areas.

Insufficiently studied or omitted Project impacts include, but are not limited to:

**a. Traffic, Pedestrian Safety, and Air Quality**

While the Applicant purported to study the traffic generation of the Project, traffic safety has not yet been addressed. The Specific Plan EIR also could not have addressed the site-specific or Project-specific impacts of a different type of project in a different location. The Project would be located in a residential area of Truckee where more than 100 children live, walk to and from school, and play outside, very near to a well-used bus stop. This is particularly important, given that the Project would require drivers to make a dangerous 90-degree turn into the intersection with Edwin Road and exit through the Annie's Loop cul-de-sac. As noted at the Planning Commission, a child has already been hit in an area roundabout. The Project would exacerbate this safety risk, which requires analysis in an EIR. In further analysis of the Project, the community requests that the Applicant reach out to the school district to ensure the safety of Truckee's youngest residents.

**b. Noise**

While the Applicant's noise study admitted that the facility's blowers could reach noise levels of 85 decibels at a distance of 50 feet, a car wash also uses water pumps, hydraulics, vacuums, and other equipment that can reach noise exposure levels beyond what is permitted by the Occupational Health and Safety Administration and the Town of Truckee's noise limits. As even the Applicant admits, this use is materially different than the gas station studied in the 2004 EIR. Given the heavy reliance on a door and other measures and the close proximity of sensitive residential uses, it has not been confirmed that the car wash will avoid exceeding federal and local noise limits.

Furthermore, the noise analysis admits the Project would come close to exceeding the Town's noise limit of 55 dBA for many, many residents. (See, Table 2, Planning Commission Staff Report, p. 51.) Thus, *any* malfunctions of the proposed door are likely result in the Project exceeding the noise standard. An EIR is needed to analyze whether the proposed condition of approval will, in fact, truly mitigate the Project's noise impacts on sensitive receptors. CEQA requires that environmental review analyze the efficacy of proposed mitigation. Environmental documents must evaluate the efficacy of mitigation

measures. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645.)

The noise study and the Town noise standard are also notably based on the L50, essentially an average noise level. This means that noise levels at affected homes may exceed 55 decibels with great frequency. Existing studies also fail to account for shorter bursts of impulsive noise, which may have greater adverse impacts on blood pressure, mental state, concentration and learning, and human speech.

The Applicant's study also failed to address the cumulative effect of car wash noise on sensitive uses, given that homes in this area are already by noise from Interstate 80, SR 89, and the Truckee Airport.

According to the U.S. Environmental Protection Agency, exposure to high noise levels presents a "health risk in that noise may contribute to the development and aggravation of stress related conditions such as high blood pressure, coronary disease, ulcers, colitis, and migraine headaches...Growing evidence suggests a link between noise and cardiovascular problems. There is also evidence suggesting that noise may be related to birth defects and low birth-weight babies. There are also some indications that noise exposure can increase susceptibility to viral infection and toxic substances."<sup>1</sup>

Potentially deadly cardiovascular impacts can be triggered by long-term average exposure to noise levels as low as 55 decibels.<sup>2</sup> Exposure to even moderately high levels of noise during a single 8-hour period triggers the body's stress response. In turn, the body increases cortisol production, which stimulates vasoconstriction of blood vessels that results in a five to ten point increase in blood pressure. Over time, this noise-induced stress can result in hypertension and coronary artery disease, both of which increase the risk of heart attack death.<sup>3</sup> Studies on the use of tranquilizers, sleeping pills,

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<sup>1</sup> EPA Noise Effects Handbook, <http://www.nonoise.org/library/handbook/handbook.htm>, incorporated by reference; see also EPA *Noise: A Health Problem* <http://www.nonoise.org/library/epahlth/epahlth.htm#heart%20disease>, incorporated by reference.

<sup>2</sup> World Health Organization Media Centre, [http://www.euro.who.int/eprise/main/WHO/MediaCentre/PR/2009/20091008\\_1?language](http://www.euro.who.int/eprise/main/WHO/MediaCentre/PR/2009/20091008_1?language) [elevated blood pressure and heart attacks], incorporated by reference; <http://whqlibdoc.who.int/hq/1999/a68672.pdf> [finding demonstrated cardiovascular impacts, including ischemic heart disease and hypertension after long-term exposure to 24 hour average noise values of 65-70 dBA], incorporated by reference.

<sup>3</sup> World Health Organization, *Guidelines for Community Noise*, p. x and pp. 47-48. The report is available in its entirety online at <http://whqlibdoc.who.int/hq/1999/a68672.pdf>; see also, Maschke C (2003). "Stress Hormone Changes in Persons exposed to Simulated Night Noise". *Noise Health* 5 (17): 35-45. PMID 12537833,

psychotropic drugs, and mental hospital admission rates suggest that high noise levels cause adverse impacts on mental health.<sup>4</sup>

High noise levels also have dramatic developmental impacts on small children, many of which reside near the Project. Children who are exposed to higher average noise levels have heightened sympathetic arousal, expressed by increased stress hormone levels, and elevated resting blood pressure. As proposed, the Project would expose community members to levels of noise that are unsafe for cardiovascular health, mental health, societal well being, and child development.

An EIR is required to disclose, analyze, and carefully mitigate the Project's impact on sensitive receptors. CEQA does not tolerate attempts to sweep important public safety issues "under the rug." (*Concerned Citizens of Costa Mesa v 32nd Dist. Ag. Ass'n*. (1986) 42 Cal. 3d 929, 935.)

### **c. Water Quality, Hydrology, and Biological Resources**

The Project will be located within 20 feet of Prosser Creek, a tributary to the Truckee River. The Truckee River not only provides critical water supplies, including drinking water, but it is listed as an impaired water pursuant to the United States Clean Water Act. The Truckee River already has plans in place to prevent additional siltation, phosphorus, iron, nitrate, and bacterial pollution.

Car washes employ a multitude of chemicals. Soaps and detergents are often high in phosphorus. The proprietary formulations used for non-soap application (waxes, polishes, tire cleaners, etc.) contain additional toxins and other chemicals unsuitable for runoff into natural water bodies. Importantly, chemicals will not only be applied within the car wash building itself. Chemicals will drip from cars as and after they exit the building. Users will also bring additional substances to use in the parking spaces and vacuum bays, such as tire black.

The proposal assumes that the Project's berms, best management practices and SWPPP compliance will prevent impacts to water quality, but it ignores several important factors. Even the best-constructed car wash systems leak. Cracked pipes develop over time and seepage may go unnoticed. Truckee's freeze-thaw cycles will exacerbate the

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<http://www.noiseandhealth.org/article.asp?issn=1463-1741;year=2002;volume=5;issue=17;spage=35;epage=45;aualast=Maschke>, incorporated by reference; Franssen EA, van Wiechen CM, Nagelkerke NJ, Lebre E (2004). "Aircraft noise around a large international airport and its impact on general health and medication use". *Occup Environ Med* 61 (5): 405–13. doi:10.1136/oem.2002.005488. PMID 15090660.

<sup>4</sup> World Health Organization, p. x. and pp. 48-49.



likelihood of such events. The site will also experience runoff as snow melts, resulting in runoff that may enter the creek instead of intended drainage.

Runoff of chemicals at the site may further exacerbate pollution in the Truckee River, with cumulative impacts on water quality that may cascade into impacts on listed biological resources. Neither the 2004 EIR nor the Applicant's studies address the potential for hazardous or cumulative chemical releases into Prosser Creek. An EIR is required.

#### **d. Environmental Justice and Community Equity**

The Project's noise impacts, chemical runoff, and traffic safety concerns create additional concerns about community equity. The car wash would be located within 200 feet of recently-completed affordable housing and within 500 feet of additional affordable housing. Locating this unwanted and impactful Project nearest the community's affordable housing undermines Truckee's priority of providing fair housing to all Truckee residents.

### **V. The Processing of the Project Appears Designed to Evade Public Review and Scrutiny.**

"The fundamental goals of environmental review under CEQA are information, participation, mitigation, and accountability." (*Lincoln Place Tenants Assn. v. City of L.A.* (2007) 155 Cal.App.4th 425, 443-444, citations omitted.) As described by the courts, "[t]he EIR is intended to furnish both the road map and the environmental price tag for a project, so that the decision maker and the public both know, before the journey begins, just where the journey will lead, and how much they-and the environment-will have to give up in order to take that journey." (*Natural Resources Defense Council v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 271.)

Accordingly, environmental review derives its vitality from public participation. (*Ocean View Estates Homeowners Ass'n, Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 400.) Courts strictly apply CEQA's public review and disclosure requirements.

Even so, Truckee's processing of the Project Amendment to the Development Permit seems tailor-made to subvert public review. Despite the Town's seeming rejection of a smaller, less intrusive carwash proposal in 2019, the Applicant applied for a new, much larger carwash, divorced from a gas station in December 2023. This new application was submitted during the holiday season when many Truckee residents were away or otherwise unavailable. To the astonishment of community members who

believed the Town had very clearly decided not to approve a car wash, the Planning Division scheduled a Planning Commission hearing for the Project immediately after the holidays on January 16, 2024. This left community members scrambling both to understand the legal basis for the Town's complete reversal and to participate in public comment for the hastily-scheduled Planning Commission meeting.

As noted in the Staff Report for the Project, past carwash proposals have generated public outcry and organized opposition over multiple meetings. Opposition has been great enough that past proposals have been abandoned prior to Project approval. (Staff Report, p. 40.) Truckee knew this proposal – and certainly the backtracking of the Planning staff on the issue – would generate opposition.

Despite the Developer's past promises to involve the community, neither the Fairway Townhomes, Henness Flats and Gray's Crossing neighbors were included in any good faith public discussion on potential land use. The Planning Department has not held the developer accountable for outreach to the neighboring communities.

Accordingly, the Town's processing of a controversial application, completely over the holidays, supports an inference that the process was designed to evade public review, in violation of CEQA.

## **VI. Community Concerns About the Good Faith Processing of the Project.**

A confluence of factors give rise to concerns about whether the processing of the Project occurred in good faith. The speed of processing and approval is notable, as is the timing during the holidays, given that the Town was fully aware of the controversy surrounding the approval of a car wash. Also concerning to the community is the City's abject reversal of its previous position.

The Town's previous processes regarding a proposed car wash included extensive public outreach, significant public comment, and substantial controversy. In 2019, the car wash was relocated and redesigned in response to community concerns. When community concerns about traffic and community character could not be satisfied, the car wash was removed from the Project so that the Town would approve it.

Then, in the middle of the 2023 holiday season, when residents were preoccupied or otherwise unavailable, the Project reemerged, much larger and very different than that which was previously proposed or studied, again next to residences. Yet, instead of rejecting this larger car wash which will have significantly greater environmental and community impacts, the Planning Commission suddenly claimed it lacked authority to consider the propriety of the Project or its community impacts.

No reason has been provided for the sudden approval of a facility that was previously deemed too impactful, rendering the Planning Commission's decision arbitrary and capricious. Community members are rightfully concerned about the impetus for the Town's complete reversal on this matter and will seek relevant communications if this matter goes to litigation. Appellants hereby request that Truckee and the Planning Division preserve all communications relevant to this matter should they be required in future discovery.

## **VII. Appellants Request for Additional Time During the Town Council Hearing.**

Appellants hereby request additional time during the hearing to make their case to the Town Council and to adequately respond to the Applicant's arguments. Thank you for consideration of this request.

## **Conclusion**

Appellant Fairway Townhomes Association respectfully requests the Town Council to reject the Project Amendment to the Development Permit for the Village at Gray's Crossing Car Wash. The Applicant is proposing a new, unstudied land use that was not covered by the Specific Plan. As described in the Truckee Development Code, the proposed primary use of the parcel is now a stand-alone automated car wash capable of servicing 45 cars per hour, as opposed to a gas station with a small appurtenant car wash. The Project is also proposed in a different location than the gas station proposed in the EIR, within a residential area with potential traffic safety issues. A new land use requires a new, not amended, land use application.

Further consideration of the Project should be put on hold until after the completion of adequate environmental review and a public process that discloses, analyzes, and mitigates the Project's full traffic safety, noise, water quality, and equity concerns. Appellants hereby incorporate into the appeal the comments previously submitted to the Planning Commission on January 11, 2024, attached.

Thank you for your consideration of these comments. We look forward to the Town Council's action on this important matter.

Sincerely,

  
Michelle N. Black, on behalf of  
Fairway Townhomes Association

Enclosures

1. Letter submitted to Planning Commission by Fairway Townhomes Association on January 11, 2024
2. Minutes of August 20, 2019 Planning Commission Hearing
3. Minutes of July 16, 2019 Planning Commission Hearing

# THE FAIRWAY TOWNHOMES ASSOCIATION

P.O. Box 838  
Truckee, CA 96160



**DATE:** January 11, 2023

**TO:**

Mitch Clarin, Chair  
Planning Commission, Town of Truckee  
10183 Truckee Airport Road, Truckee, CA

Dave Gove, Vice Chair  
Planning Commission, Town of Truckee  
10183 Truckee Airport Road, Truckee, CA

Daniel Fraiman, Commissioner  
Planning Commission, Town of Truckee  
10183 Truckee Airport Road, Truckee, CA

Coral Cavanagh, Commissioner  
Planning Commission, Town of Truckee  
10183 Truckee Airport Road, Truckee, CA

Sami Taylor, Commissioner  
Planning Commission, Town of Truckee  
10183 Truckee Airport Road, Truckee, CA

Yumie Dawn, Principal Planner  
Planning Commission, Town of Truckee  
10183 Truckee Airport Road, Truckee, CA

**CC:**

Dave Polivy  
Mayor, Town of Truckee  
10183 Truckee Airport Road, Truckee, CA

Jan Zabriskie  
Vice Mayor, Town of Truckee  
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Andrew Morris  
Attorney, Town of Truckee  
10183 Truckee Airport Road, Truckee, CA

**SUBJECT:**

Gray's Crossing Car Wash Application (2022-00000034/DP)

Dear Chair Clarin & Commission Members,

We are writing to express our opposition to the car wash being proposed for construction by the developer of the Village at Gray's Crossing (the "Village"). We note also our concern that the developer of the Village appears to be circumventing the safeguards put in place by the State of California to protect its communities, natural resources, and tribal cultural resources.

We attach to this letter the minutes from August 20, 2019 where the Planning Commission reviewed the developer's modified plans for the Village at Gray's Crossing. We acknowledge,

with gratitude, that the Truckee Planning Commission has a legacy of acting in the best interest of the residents and natural resources of the Lake Tahoe region, which we all cherish. The attached minutes show that the Planning Commission approved the developer's proposal for the Village at Gray's Crossing **on the condition that the gas station/car wash be removed**. The reasons for the conditional approval included extensive community opposition and concern and the developer's failure to obtain a CEQA review to evaluate and mitigate (as necessary) for potential environmental impacts to the surrounding community and natural resources.

We remain confident that the Planning Commission will continue to act in the best interest of the community. However, we feel compelled to write this letter to ensure that appropriate attention is paid to the specific circumstances of the developer's strategy to seek approval for the car wash project.

### **Regulatory Concerns with the Developer's Car Wash Proposal**

At the Planning Commission hearing on August 20, 2019, the developer indicated that they would replace the gas station, convenience store, and car wash, which they had agreed to remove from consideration to secure approval of the Development Permit, with "something that the neighborhood would want". See pages 21 and 22 of the August 20, 2019 meeting minutes.

Instead of doing as they promised, the developer now seeks approval from the Planning Commission for a car wash on the same parcel where a gas station, convenience store, and car wash had been proposed in the 2019 Development Permit Application, notwithstanding that the Development Permit was only approved by the Commission after the applicant removed these facilities from consideration. It is incomprehensible why the developer would ask the Planning Commission to approve a car wash when the Planning Commission only approved the Development Permit after the applicant agreed to remove it.

The developer claims that a car wash project should be exempt from CEQA review using arguments unlikely to withstand scrutiny in an administrative proceeding. Explained in more detail below are our key points of concern:

1. The developer and its consultant claim that the proposed car wash "conforms to the adopted Gray's Crossing Specific Plan" because "[t]hat plan evaluated the site's physical capabilities and was validated by a certified Environmental Impact Report", which "concluded the site was physically suitable for the density and intensity being proposed." However, focusing only on development densities ignores potential impacts associated with specific land uses. For example, adult-oriented businesses or cannabis dispensaries could very well be designed in conformance with the density thresholds contemplated in the Gray's Crossing Specific Plan if the Planning Commission accepted the argument that these facilities are consistent with "performing arts facilities" or "membership organization facilities" – both of which are permitted uses in the Village Center in the Gray's Crossing Specific Plan. However, such an interpretation would circumvent the intent of CEQA and rob stakeholders of their ability to raise legitimate concerns in the process. Like a standalone car wash approved in a residential community without first being subjected to CEQA analysis, such an interpretation would

not withstand a legal challenge (and a legal challenge would be inevitable if the Planning Commission were to adopt such an interpretation).

2. The potential environmental impacts of a car wash were never studied. The 20-year-old CEQA documentation for the Gray's Crossing Specific Plan did not include any description or analysis related to a car wash as a land use. In fact, the term "car wash" does not appear in the Draft EIR, Draft EIR Technical Appendices, Final EIR, nor Final EIR Technical Appendices.
3. The *only* reference to a "car wash" appears on page 32 of the Gray's Crossing Specific Plan under "Permitted Uses – Village Center", wherein item 11 lists "Gas stations/car washes". While a gas station was analyzed in the EIR used to inform the discretionary approval of the Gray's Crossing Specific Plan, a car wash was not described nor were the potential environmental impacts of a car wash analyzed (e.g., hydrology and water quality including potential impacts the Truckee River and other impaired Waters of the United States, hazards and hazardous materials, traffic, noise, public health and safety)<sup>i</sup>. Moreover, "gas station/car wash" implies a gas station as a primary land use with a small, attached car wash as an appurtenant use (e.g., the gas station and car wash removed from consideration in the Village at Gray's Crossing Development Permit were proposed as an 1,800 s.f. gas station with an additional 500-700 s.f. car wash – see August 20, 2019 Planning Commission Meeting Minutes, page 5). The applicant's current proposal is for a 3,883 s.f. standalone automated car wash, which is more in line with a "car wash" as a primary land use – defined in the October 12, 2023, Development Code as "Permanent, self-service and attended car washing establishments, including fully mechanized and automatic (drive-through) facilities".
4. A gas station was analyzed in the EIR. However, as the Planning Commission pointed out multiple times during the 2019 hearings, the proposed gas station analyzed in the EIR was to be located in the SW corner of the Village Area, accessible from Henness Road and immediately east of the roundabout exit from SR 89. This location would have been away from residential areas, and passersby on SR 89 using the gas station would have been far less of a nuisance, or even hazard, to residents in the vicinity. The developer later determined that the proposed location was undesirable due to floodplain and permitting issues, which led to a revised proposal to relocate the gas station (along with a convenience store and car wash) into a residential area of the Village (west side of Edwin Way). The newly proposed location, and lack of existing environmental analysis regarding potential impacts associated with the specific land uses proposed at this location<sup>ii</sup>, resulted in heavy opposition by nearby residents and community members. Due to neighborhood concern, and likely because the 2019 Development Permit would have been denied by the Planning Commission if the gas station, convenience store, and car wash remained part of the proposal, the applicants removed these items from the application request.

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<sup>i</sup> The October 12, 2023 Development Code specifically states that "...car washes are intensive uses that are characterized by large areas of paving which permit vehicles to maneuver freely and have the potential to create significant adverse impacts for adjoining streets and properties" (pp II-112).

<sup>ii</sup> Please see p.17 of the July 16, 2019 minutes, where Commissioner Riley indicated "overarching environmental review issues", including that "it has been at least sixteen years [in 2019] since anything was done from an environmental standpoint." She cited "traffic, parking, public health and safety, jobs, and housing all related to CEQA" and pointed to the traffic at the roundabout as an already existing issue. She noted that "a student was hit in the roundabout and a trucked flipped over as well." Several other Commissioners generally agreed with these concerns.



5. The Gray's Crossing Specific Plan, Development Permit, and Development Agreement were approved about 20 years ago (early 2004). However, the Village was not constructed, and both the Development Permit and Development Agreement expired. A new application for the Village was submitted almost 14 years later (November 28, 2017), resubmitted again on October 11, 2018, and resubmitted a third time on April 19, 2019. The Development Permit was finally approved on August 20, 2019 (again, only after the applicant agreed to remove the gas station, convenience store, and car wash from consideration). Since that time, the applicant has been granted two 24-month time extensions (the first on November 16, 2021, and the second in December 2023). The applicant is now requesting a Project Amendment to the Development Permit for the Village to allow construction of a car wash within the Gray's Crossing Specific Plan Area, *which is wholly inappropriate*. In other words, a Development Permit that was only approved after the car wash was removed, which has been granted 4 additional years of time, is now seeking to add a land use that is not part of the Development Permit and that would have likely precluded approval of the 2019 Development Permit in the first place, with no additional CEQA analysis. Furthermore, because the Development Agreement was allowed to expire, each time the Commission approves a time extension for the Development Permit it must be reviewed for consistency with the General Plan and Development Code, both of which were updated in 2023. A gas station/car wash would directly conflict Land Use Goal 1.7: **"Inefficient Uses. Prohibit the development of new gas stations, mini-storage, and golf courses in Truckee. Proposed major modifications or improvements to existing facilities shall be considered on a case-by-case basis in the context of broader General Plan and community goals"**.
6. Finally, the parcel that the car wash is being proposed on is zoned 'CN' (Neighborhood Commercial), and car washes are only allowed within the 'CN' zone with a Conditional Use Permit. In fact, all zones within the Town of Truckee that allow car washes require a Conditional Use Permit. Conditional Use Permits are discretionary, and therefore subject to CEQA. Given that a car wash was not analyzed in the Gray's Crossing Specific Plan EIR and *specifically excluded* from the Village's Development Permit, a proposal for a car wash should be treated as an entirely new application. How could the Commission in good faith allow a car wash in this location when there is no public record, project description, or evidence to alleviate our concerns? The proposed car wash (despite not being appropriate under any circumstance in the location proposed) has not been described, studied, analyzed, or subjected to comment from the residents of properties in the immediate vicinity (>500 feet) because no CEQA analysis regarding the proposed land use has ever been conducted.<sup>iii</sup>

### Substantive Community Concerns About the Car Wash Project

The developer is rushing this process through the holiday season, resubmitting the car wash proposal at the very end of the year (days before the Christmas holiday), and requesting a

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<sup>iii</sup> It would also be impossible to determine if the project complies with the Development Code without a Project Description and resource area studies at this specific location for the proposed land use. For example, the Development Code states that "car wash facilities should include appropriate noise control measures to reduce machinery and blower noise levels" (October 12, 2023 Development Code, pp II-112). How can the noise control measures be deemed "appropriate" if there is no record or technical reports showing what the noise levels would be absent of controls at sensitive receptors in the immediate vicinity?

hearing in the first half of January. This timing risks the resubmission going entirely unnoticed and could prevent the hard-working and honest community members who are spending time with their family members during the holiday season from becoming aware of what is going on and adequately analyzing the risks it presents to them. Some members of the community may even be out of town, visiting family elsewhere and not physically present to learn about this unexpected development. It is not appropriate to approve a project that could have material negative impacts on the community without giving the community the opportunity to voice their concerns. It is not appropriate to deny the community the right to ensure that their interests and safety of the broader community and Lake Tahoe natural resources are adequately being represented in the Planning Commission's decision-making processes. Summarized below are some concerns already raised by community members:

## **Traffic**

Increased car traffic comes with an increased risk of accidents. This is particularly problematic for the communities in the immediate vicinity of the car wash project, which have many small children and animals that use the common areas to play outside and for transportation. A bus stop where young children frequently get on and off is just down the road from the car wash project. Directly across the street is an existing affordable housing community with many young children. A new affordable housing building with even more families with young children was recently completed, which will increase the concentration of young children across that intersection. The housing units at Annies Loop also have multiple children and animals who will use the common space. A middle school is less than half a mile from the car wash location.

With Waze and Google GPS directing drivers to the car wash, significantly more car traffic should be expected to make the dangerous 90-degree turn into the Edwin Road intersection and exit out through the Annies Loop cul-de-sac. As congestion increases (which is certain to happen with a 6-station car wash), so will car-related injuries. Car-related injuries and deaths are on the rise already in Lake Tahoe. Please see page 8 of the attached minutes from August 20, 2019, where the Commission was reminded that a child was hit at one of the roundabouts in the area. Exposing such a small residential community to such a traffic congestion risk is unjust and unreasonable and could be a proximate cause of harm to our residents. Further, it needs to be confirmed whether the school district will have concerns, given the proximity of the bus stop to the car wash. Please see attached minutes where the developer indicates that the school district was not reached out to in connection with the project and that the limited analysis that was performed happened while school was not in session. (Please see p8 of minutes from August 20, 2019 meeting.) As far as we know, this status has not changed. It seems to be in the best interest of the developer and Planning Commission to avoid these issues. At a minimum, this risk needs to be subjected to CEQA analysis.

## **Noise**

A car wash facility holds water pumps, hydraulics, vac motors, air dryers, blowers and other equipment that can reach noise exposure levels beyond what is permitted by the Occupational Health and Safety Administration and the Town of Truckee's noise limits. This use is materially different than the gas station studied in the developer's EIR and it has not been confirmed that the car wash will actually avoid exceeding federal and local noise limits. The project must be assessed in a new EIR in the context of the Gray's Crossing Community, Fairway Townhomes, the middle school nearby, and the affordable housing community on two sides of the car wash and who may be negatively impacted by the disturbance.

## **Hazardous Wastewater Release**

Though car washes are mandated by law to build facilities and equip them with tools and equipment that will facilitate the safe passage of wastewater, the infrastructure frequently leaks and release hazardous materials for long periods of time before they are detected. These may come from cracked pipes from both private and public wastewater treatment facilities – a fact that even the Environmental Protection Agency is aware of. The seepage that comes from these leaks may contaminate storm drains, beaches, and groundwater, which can be very alarming considering that children and elderly drink tap water without filtration systems on account of Lake Tahoe is considered the best groundwater for drinking in the country.

The risk of hazardous leakage is exacerbated in an environment like Lake Tahoe, which is located at high elevation, and subject to high winds, snowstorms, rain, and wildfires. Cold locations are particularly vulnerable to cracked pipes and explosions. Furthermore, the remote location of Lake Tahoe from major urban centers – especially in times of inclement weather such as snow storms that create avalanches or otherwise create roadblocks – could delay repairs and extend the time that residential community members are exposed to the hazardous waste that is being released on accounting of leaks or other infrastructure damage. The consequence of exposure to such toxins is devastating and permanent. The risk needs to be analyzed in an EIR.

## **Exposure to Harsh Chemicals**

Car wash businesses use auto detailing products that contain harsh chemicals which can threaten anyone's health and safety. For example, it is well known that car wash employees are at risk of contracting lung and respiratory diseases, skin diseases, heart ailments, burns, and infections from toxic fumes and spills. Automatic car washes provide detailing services. When these businesses are located in industrial areas, residential communities are protected from these same risks by being far enough away to be removed from the exposure.

Locating such a facility less than 500 feet from a community with young children, babies, and elderly exposes the most vulnerable members of the community to the health and safety risks from the residue left behind each time a car is detailed. These individuals are the least capable of protecting themselves. Children play outside all day and will be inhaling these toxins. The elderly – who have relocated to Tahoe to find a place to breathe clean air – will be unable to do so. It could accelerate the onset of terminal health issues, and violates the spirit of Lake Tahoe, whose residents have relocated to Lake Tahoe from busy urban environments in search of clean air and peace.

## **Community Equity**

The car wash project is being proposed less than 500 feet from existing affordable housing and less than 200 feet from new affordable housing that was recently completed. The Town of Truckee considers it a priority to provide housing to all members of its community, with a focus on the workers that power the local economy and enable residents and tourists to enjoy their lifestyles. This project would undermine those priorities by forcing these residents to noise nuisances at time when they are sleeping (after having worked night shifts) or spending time

with family; by exposing them to potential environmental hazards through contamination of their water pipes and drainage systems; and increasing their risk for car-related injury as their children commute to school or use the common spaces. This is not an equitable use of the land.

## **Conclusion**

As noted by Commissioner Tarnay on page 18 of the August 20, 2019 meeting minutes, the Village at Gray's Crossing was intended to be provide a "range of retail, office, and lodging services and business activity relating to the needs of recreational activities and surrounding neighborhoods." A developer should not be able to use invalid arguments to convert the "Village" at Gray's Crossing into a transient travel plaza off the interstate, complete with a proposed hotel and car wash so out-of-towners can clean and detail their rental cars to avoid surcharges when they drop them off in the Bay Area before boarding a flight back home to another state. This is a proposal not in compliance with the Specific Plan that called for a development that would provide neighborhood services to the surrounding community.

The developer claims that it has acted in good faith and invested millions of dollars in this development over the last 20+ years. However, what appears to have happened is the developer assumed it would be able to include in its development plans a gas station and convenience store that would improve its investors' return profile. The gas station/car wash location ultimately became infeasible, first, after technical reports determined that the origination location had floodplain and wetland issues and, ultimately, because the Planning Commission was not comfortable with the community opposition and failure to adequately perform a CEQA review on the new location. The car wash is the developer's attempt to salvage the investors' return profile and is being forced through the Planning Commission on an invalid basis and flies in the face of extensive historical community opposition, without giving the community the opportunity to voice their concerns.

We hope you will take these comments under advisement as you assess the developer's car wash proposal. We also request that you consider postponing the hearing until February to give the rest of the community an opportunity to adequately assess the proposal and share their concerns with the Planning Commission.

Sincerely,

Fairway Townhomes Association

# Exhibit A

Minutes from August 20, 2019 Planning Commission Meeting for Village at Gray's Crossing

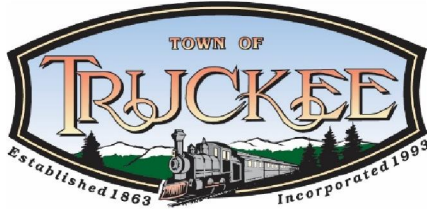
## Exhibit B

Minutes from July 16, 2019 Planning Commission Meeting for Village at Gray's Crossing

# Exhibit A

Minutes from August 20, 2019 Planning Commission Meeting for Village at Gray's Crossing





**TOWN OF TRUCKEE  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
August 20, 2019, 6:00 p.m.**

**Town Hall – Council Chambers  
10183 Truckee Airport Road, Truckee, CA**

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**1. CALL TO ORDER**

**2. ROLL CALL** – Chair Zabriskie, Vice Chair Hall, Commissioner Riley, and Commissioner Tarnay.

Commissioner Gove was noted absent.

**Staff Present:** *Community Development Director Denyelle Nishimori, Town Attorney Andy Morris, Planning Manager Jenna Gatto, Associate Planner Yumie Dahn, Engineering Manager Becky Bucar, and Administrative Technician Julie Paping.*

**3. PLEDGE OF ALLEGIANCE**

**4. PUBLIC COMMENT**

Chair Zabriskie opened public comment at 6:03 p.m.

Seeing none, Chair Zabriskie closed public comment.

**5. APPROVAL OF MINUTES**

**5.1 July 8, 2019 – Special Meeting**

**A motion to approve the July 8, 2019 regular meeting minutes, as submitted, was made by Vice Chair Hall, seconded by Commissioner Tarnay, and carried the following vote:**

**Ayes:** *Chair Zabriskie, Vice Chair Hall, and Commissioners Riley and Tarnay*  
**Noes:** *None*  
**Absent:** *Commissioner Gove*  
**Abstain:** *None*

**The motion passed with a 4-0 vote.**

**5.2 July 16, 2019 – Regular Meeting**

**A motion to approve the July 16, 2019 regular meeting minutes, as submitted, was made by Vice Chair Hall, seconded by Commissioner Tarnay, and carried the following vote:**

**Ayes:** *Chair Zabriskie, Vice Chair Hall, and Commissioners Riley and Tarnay*  
**Noes:** *None*  
**Absent:** *Commissioner Gove*  
**Abstain:** *None*

**The motion passed with a 4-0 vote.**

**6. CONTINUED PUBLIC HEARING (From July 16, 2019 Regular Meeting)**

- 6.1 Application No. 2017-00000160/DP-TM-CSP (The Village at Gray's Crossing); Owners/Applicants: James, Sabra, John, and Kaaren Abbate; Agent: Dale Creighton and Martin Wood, SCO Planning and Engineering (10212, 10120, 10105, 10131, 10153, 10057, 10009, 10002 Edwin Way; 10149 Annie's Loop, 11763 Henness Road; APNs 43-050-021, 043-060-001, -002, -004 to 043-060-008, 043-070-001 to 043-070-003 to -007).** Yumie Dahn, Associate Planner.

The applicants are requesting approval to construct the Village at Gray's Crossing, which includes a hotel with conference center, pool, and outdoor lounge area, one eight-pump gas station with convenience store and car wash, three commercial buildings with five residential units above, two commercial buildings with three residential units above, 24 attached single-family residential units with attached garages, one residential fourplex, realignment of the existing Class I trail on the eastern side of the property, construction of a transit shelter, and 250 parking spaces.

The following land use approvals are required: 1) Development Permits for new non-residential structures that contains 7,500 s.f. or more of total gross floor area and disturbance of 26,000 s.f. or more of the site, establishing a "Hotel," "Live/work quarters," "parks and playgrounds," "convenience store," and "gas station/car wash," and for multi-family residential development with eleven or more residential units; 2) Tentative Map to redescribe/resubdivide the 15 existing parcels and easements (Lots D through R of Final Map No. 02-007, called the Village at Gray's Crossing Phase 1 Subdivision Map, Book 8, Map 182) into seven commercial lots, three common space/open space lots, one right-of-way lot, 24 townhome lots, 21 condominiumized lofts, and one residential fourplex lot with four condominiumized units, including public improvements such as realignment of the trail, bus shelter on Edwin Way, and a bus turnout on Henness Road; and **3) Comprehensive Sign Program** approval for signage in the mixed-use development.

**Staff Recommendation:** That the Planning Commission find the project exempt from further environmental review pursuant to Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning) of the California Environmental Quality Act and adopt Resolution No. 2019-17 approving the following actions based on the recommended findings and subject to the recommended conditions of approval:

1. Approve the Development Permit;
2. Approve the Tentative Map; and
3. Approve the Comprehensive Sign Program.

This item was reviewed by the Planning Commission at its July 16, 2019 hearing and was continued to allow staff to provide additional information to the Planning Commission regarding environmental review. Additionally, the applicant team has submitted a description of minor modifications to the project for the Planning Commission's consideration and staff has provided additional clarifying information.

Associate Planner Dahn presented information from the staff report (on file with the Town Clerk).

Martin Wood presented information on behalf of the applicant team (on file with the Town Clerk).

## **PUBLIC COMMENT**

**David Hennig:** Mr. Hennig is a resident on Henness. He complimented all parties on conducting an open process sensitive to community issues, even if not giving the community everything they want. He also complimented the property owner for staying current on taxes. He believes the project is still a little skewed towards being transient compared to a village, and he has concerns about the gas station. He believes that, if the project goes forward, it is imperative all staff

conditions are prioritized early in build out before traffic picks up. He believes tax information should be available to the public once land is converted.

**David Connor:** Mr. Connor is not opposed to the project or affordable housing concerned, but he is concerned with safety. The gas station was moved from the north side closer to the affordable units. Children living there would be right across from a convenience store. Caltrans will not allow drivers to make a turn into the complex. Mr. Connor believes it makes more sense to make the turn right off 89 to make it safer for kids. He is concerned that the walking trails and public park will draw more children and other pedestrians into the roundabouts. He asked the project applicant to consider moving the gas station back to the original location.

**Steve Bauman:** Mr. Bauman spoke on behalf of the Gray's Crossing Master Association. He stated that members of the community feel listened to given the open process. He shares the concerns brought up by the TTUSD. He noted that there are now 160 people living in homes in Gray's Crossing. He has doubts about how the EIR from 2004 is working and noted that the recent study was done during school recess, when you wouldn't see all of the school pick-ups. Mr. Bauman pointed out that a lot of the concerns are not about The Village per se, but about the intersection which he does not believe will be safe for kids. He said that the association would like to see new environmental impact study done.

**Deborah Gray:** Ms. Gray lives in Gray's Crossing. She is most concerned about the lack of evidence that the Town has investigated the impact on infrastructure that the combined developments will have: Coburn Crossing, Frishman Hollow, The Village, lot D, the cottages, lot F, Residences at Jibboom, Truckee Springs, etc. She is frightened by egress in the case of a wildfire. She believes the EIR from 2004 is outdated, and that a new EIR should be done considering The Village and all projects planned in the area. She is opposed to the hotel and gas station, and she noted that there are already 5 hotels and two more in process in Truckee. She is concerned that the gas station will draw an immense amount of traffic to the area. She asked the Commission to give tax paying residents consideration on the impact of their quality of life.

**Kathy Echols:** Ms. Echols lives in Glenshire. She urged the Commission to require a new EIR. The last review was done over 15 years ago, and Truckee has grown and changed since then. She believes it is irresponsible to approve the project using the old EIR. She does not believe the Commission should approve additional housing for visitors before the local housing deficiency is addressed. She opposes the hotel and feels that commercial amenities are already impacted due to increased visitors. She is concerned about emergency evacuation. She believes a gas station, carwash, and convenience store do not belong in a residential area. It is bad for the environment and causes increased traffic near schools. She urged the Commission to do what's right for Truckee as a community.

**Christina Temple:** Ms. Temple is a resident of Prosser Lakeview. She is a newer resident and has lived in Truckee almost two years. She would like the Commission to consider smart growth and not just growth for growth's cause. She is concerned with the hotel and the potential for a mass of guests leaving in an emergency without proper egress. For residents of Prosser, the only option would be to head north but that is likely where wildfire would be. She fears that Truckee could end up in a situation like Paradise. She is also concerned for the students at Alder Creek who ride bikes to school. She would like another EIR completed as last one was done 15 years ago when there were 2,000 fewer residents.

**Karen Jones:** Ms. Jones lives in the bluffs. She is not opposed to the gas station, but does not think it is feasible for 89 traffic to make the tight turn to get to the gas station. She noted that traffic that goes up 89 during summertime are typically RVs or trucks towing campers or boats. In winter there are HOVs and trucks towing snowmobiles. She thinks it is a tiny turn to make in big RV.

**Dan Dickerman:** Mr. Dickerman lives in Gray's Crossing. He thanked the Planning Division for helping the developers to try to conform to the neighborhood's guidelines. He asked the applicant to work with the school district to understand how two-way traffic is stopped when loading or unloading buses even when using a pullout. He noted that the earlier versions of the plan showed gas pumps closer to Henness, but no previous plan has included anything on this scale or in such proximity to residences. He voiced concern that the developer is misinterpreting community feedback, and he does not believe that a convenience store is a reasonable replacement for a small market like the one in Glenshire. He is concerned there is too much gas pumping capacity creating 24-hour lighting and traffic to the neighborhood. He is also concerned about noise that will be generated from the proposed car wash. The 2004 and 2008 versions did not locate residences overlooking anything that would create the same amount of noise that this version will create. Mr. Dickerman stated that many residents have expressed clearly that they do not want this portion of the plan built.

**Alexis Ollar:** Ms. Ollar spoke on behalf of MAP. She requested an additional environmental review, as she believes the 15-year old EIR is inadequate. The CHP building and Coburn Crossing were not considered in the previous EIR and the environmental setting has changed. The Specific Plan envisioned a village to provide neighborhood services for Gray's and surrounding neighborhoods. She believes the current project is focused on transient use and highway commercial development, and will attract more vehicles adding traffic to an already impacted area. She also noted that there are public safety issues that have not been addressed. She would like the following to be taken into consideration: the increased density within specific plan amendments, the idea of transferring density from McIver to Frishman Hollow II, and the General Plan economic analysis which may question the market health for an additional hotel and gas station. She asked that additional environmental review be conducted as the environmental setting has changed and the project is inconsistent with the vision of a village for Gray's Crossing.

**Sirush Rahemian:** Mr. Rahemian is new to area. He stated that when he bought in Gray's Crossing, he realized the empty homes in the area were due to the economic downturn. He is concerned about what happens to the property owners at Gray's Crossing if the project doesn't go through. He is worried it will become a half-built ghost town like other areas throughout the country after last economic down turn.

**Mary Beetle:** Ms. Beetle lives in Truckee. She stated that she sees a lot of drunk, transient people in Truckee. She is concerned that the combination of drunk people, a hotel, affordable housing, women, and young children in the same area could pose a safety risk. She is also concerned that the people living in the affordable housing won't have anything to cover their cars, let alone a garage, during the winter when it snows.

**Christine Duner:** Ms. Duner lives in Prosser Lakeview and has been a resident of Truckee for 35 years. She came to Truckee because it was a small community with trails, and she suspects others came to Truckee for similar reasons. She believes true WMD are excavators and plows. She cautioned that taking out trees for development and adding asphalt increases heat. She posed the questions, "When will the town sprawl end?" and "When do we look at the money and use it in a way that helps us get to where we want to be?"

**Andy Brown:** Mr. Brown is a homeowner at Gray's Crossing. He thanked his neighbors for being eloquent and diplomatic. He does not support the project for a variety of reasons. Mr. Brown shared a story about first seeing signs for a village at Gray's Crossing and being excited by the prospect of an ice cream shop or other small stores. He was disappointed to learn that a gas station and convenience store were being proposed. He does not believe there is anything being offered for the community. He stated that the hotel is not located near anything, requiring guests to drive to outdoor amenities and adding traffic to the area. He stated that the community will have to live with the results for the next twenty years, so in his opinion, a new EIR seems like a no brainer.



**Jim Abbate:** Mr. Abbate is an applicant for the proposed project. Prior to purchasing the property, he looked at how the property was zoned by the Town. He liked the project and the way the Town set it up. The original plans for the site did not come to fruition due to economic downturn. He reminded the audience that although people are saying they don't like the project, 15 years of work that went into it. He said that there will always be someone who doesn't like a project, but there are planning divisions put in place so that a project that was previously approved is not later denied. His team put millions into this project and now feel like the rug is being pulled out from under them. He said his team is playing by the rules, making some concessions, and doing the best they can. If he had known this would go down this way, he would have never put this plan in place. He believes the plan conforms.

## APPLICANT RESPONSE

**Martin Wood:** We have had some great discussions with HOA members. We tried to keep the Town document intact, but tweaked things to make the project better. We heard concerns at the last meeting about the gas station. Some said they like it, some said they didn't. The specific plan includes a gas station. The 2004 specific plan had a gas station at the south end. From a market perspective, that makes sense. We think we've made the project better. There are some great neighbors and we've had great discussions. The applicants have been good owners and good neighbors by trying to conform to the specific plan. Gray's Crossing has been in consideration for years with millions spent. A new EIR has come up several times, but I don't think people realize how expensive they are. The amount of public comment that went into the original process was considerable. We've lived by the rules and have tried to make it better along the way. We think the gas station is needed. The town is net-even on gas stations with the one that was lost. With two roundabouts on either end of the project, you don't get better than that as far as traffic is concerned. We are consistent. With all the meetings and millions of dollars spent, please uphold that document. Our project paid their taxes and waited until the economics made sense.

## PLANNING COMMISSION CLARIFYING QUESTIONS

### Chair Zabriskie

- How is the project different from specific plan? It appears the hotel goes from 120 to 129 rooms.
  - *Wood:* It does. The Development Agreement that was allowed to expire allowed up to 300 rooms. We are 9 above what the Specific Plan says, but 191 less than what the Development Agreement allowed.
- Is the gas station now back to the original square footage?
  - *Wood:* Yes
- Is the car wash new?
  - *Wood:* Yes
- Is the car wash part of the 1,800 square feet?
  - *Wood:* No. The carwash is an additional 500 to 700 square feet.
- Has the retail been reduced from 38,900 to 19,980 square feet?
  - *Wood:* Yes
- Housing units have gone from 48 attached units up to 49 units.
  - *Wood:* No, it is the same number of attached units.
  - *Dahn:* There are 24 townhomes, 1 fourplex, and 21 lofts.
- Of the affordable housing units, there are 9 units at a moderate income level. The Specific Plan originally envisioned there would be 68 units allocated to Gray's Crossing overall. The remainder that took it up to 92 were allocated to Old Greenwood.
  - *Wood:* If you look at the 2008 approval, it had no affordable housing. When East West sold to Wright & Company, they were not required to do affordable housing. Since the development agreement expired, we are conforming to staff recommendation. We are adding 20% in over and above what was required in

2008. Usually you get a density bonus. We got zero bonus on The Village because we didn't want tighter units.

- What did you calculate the 20% against?
  - *Dahn*: It is off the 49.
- The specific plan called for community culture center.
  - *Wood*: There was a 3-year horizon where a church or cultural site was included in the plan. There were different groups that looked at it but nobody wanted to build it in The Village. The timeline has expired.
- Does your project preclude construction of a cultural center?
  - *Wood*: No, we believe the conference center will be used for those events.
- There were two churches that would be associated with the overall plan?
  - *Wood*: There is the Assumption church and the site slated, but nobody came forward.
- Has the overall plan of The Village changed?
  - *Wood*: Yes, it has a different feel. We got away from "lodge" feel. They integrated different forms and materials. It's more of a mountain modern feel now.
- Can you summarize how it has geographically changed?
  - *Wood*: The hotel was more central, east in the original two plans. We have located that to the northwest. Where the townhomes are predominately overlooking golf course is key. Traffic circle with decorative asphalt is the same. The central region is similar. The gas station moved north in 2008, but we moved it back to original location in the 2004 plan.
- Have I left anything out that would be considered substantial change?
  - *Wood*: I don't think so. Everything is better incorporated, and we have more trail network.
- Are you familiar with the assumptions that went into the EIR?
  - *Wood*: I was around at that time and very involved in the project.
- The EIR has land use assumptions that include a build out of the entire Gray's Crossing project and also Riverview Village, Sierra Village, Palisade Townhomes, Riverview Townhomes, Coburn Crossing, Alpines Hostel, Truckee Townhomes, Pine Forest, Pioneer Commerce Center, the build out of the Truckee Industrial park, 30% of the buildout of the Old Greenwood development, and 900 students at the middle school. Does that sound right?
  - *Wood*: It does.
- In terms of projections of the EIR, those were going out through the current period?
  - *Wood*: Yes. It is very difficult to achieve the densities for a lot of projects in Truckee. The EIR was much more conservative. We don't usually achieve the density that might potentially be achieved.
- Are you aware of the report on the impact of gas station on traffic submitted with public comment?
  - *Wood*: We provided a market study, was it that?
- No. Is there anything in the record indicating a traffic level of service would be worse than what was originally forecast in the EIR?
  - *Bucar*: There are numbers in the trip generation table in the EIR. It was about 4,000 trips per day. That is one way to compare.
- A commenter submitted a report that showed 21,000 trips per month.
  - *Gatto*: You are referring to Andrew Brown's comment.
- Based on what I have looked at, if anything the EIR is projecting a much higher number of trips than what has been presented in the public comment.
  - *Bucar*: I can follow that math.
  - *Wood*: The huge reduction in neighborhood commercial means the trips will be much less.

**Commissioner Tarnay:**

- It appears on the 2004 Gray's Crossing Specific Plan that the gas station was situated in what would be the 50-foot riparian zone. Was that not zoned when the EIR was done?
  - *Wood:* That is correct. The delineation of the 100 year and 50 foot established was done. Then for the 2008 subsequent plan, we moved it as we didn't want it to be that close to Henness Road with the 50-foot setback. There is room between the 50-foot and Henness.

**Chair Zabriskie:**

- If the gas station stays at the south end, only one roundabout will be impacted by cars coming from 80?
  - *Wood:* Correct
- What did you see being advantageous in terms of location?
  - *Wood:* The market study analyzed gas stations and showed it would be in close proximity to people who will use it. Visibility is good off southern roundabout, but when you start going up Henness or 89, the trees screen it. It's the best of both. The market study shows one is needed.
- For community overall, will there be a net increase of vehicles leaving the interstate to get gas in Truckee?
  - *Wood:* It is one of many gas stations so I would say it will meet the needs of the neighborhood.
- The EIR notes housing shortages and difficulty of service sector employees finding housing. You thought there would be about 30 employees at the hotel. What is the number?
  - *Wood:* I think we had 30 on our application and that came from talking to hotel purveyors.
- Are you aware of anything that fails to anticipate the need for affordable housing or size of population?
  - *Wood:* I don't. I think it's in there, and I think we are seeing that statewide.
- What is the population of Truckee now?
  - *Dahn:* Roughly 16,000
- Was there any issue with fire safety that should have been addressed in the EIR?
  - *Wood:* For the Gray's Crossing project, there was a 300-foot buffer removing brush and underbrush around the entire perimeter. There was a lot of thinning done for the golf course. There are 16" and 24" waterline, fire hydrants, and 500-foot spacing. We have some of the best fire flow to serve sprinklers in the larger buildings in the Truckee region.
- Are you able to compare fire safety efforts with those taken by the HOA?
  - *Wood:* After initial developer measures are implemented, the HOA takes over. It is like a park back there.

**Commissioner Riley:**

- Were fire evacuation and public safety areas of concern?
  - *Gatto:* In 2003, attention given to wildfires was not what it is today. There is some acknowledgement in the documents but not to the extent we would see today. CEQA does not require that we apply today's standards to something found in an older document. There isn't something currently in place that says we would have to amend the old EIR, which also includes greenhouse gas analysis.
  - *Morris:* The EIR was performed under the standards of the current General Plan and its Safety Element. It still meets the standards today as we have not yet adopted a new General Plan. CEQA does not require that you update the EIR because standards have changed or the regulatory environment has changed.
  - *Nishimori:* In the 1996 General Plan, we did recognize that Truckee is in a high fire hazard area. We had several policies included about working with the Fire District on fuel clearing and everything related to safety and evacuation. Those were carried over into current General Plan.



- While I understand the parameters of CEQA, we are aware of impacts and can address them. Are we provided the opportunity to do an analysis to address current conditions so that we are not sticking our heads in the sand?

**Chair Zabriskie:**

- Is there anything about this project that related to the recent incident where a child was hit by a car?
  - *Nishimori*: No, in that situation the driver went around a school bus.
- Can we tie that to anything having to do with this project?
  - *Nishimori*: No.
  - *Bucar*: As it relates to traffic, we looked at the original draft EIR and we also looked at these intersections and traffic operations on other occasions. We have consistently looked at the Truckee Way/89/Henness intersection and the 89/Alder intersection, and we found that they operate at adequate levels of service per our standards. They are currently operating at an A. All of the analysis we have done recently, including our traffic impact fee program, have shown that those two intersections will continue to operate at adequate levels of service at build out of the General Plan. That is how we came to the determination that additional traffic analysis was not necessary.
  - *Morris*: The engineers don't see a need for additional improvements to the roundabouts.

**Commissioner Riley:**

- What was the statement of overriding conditions?
  - *Gatto*: It would be in the findings of fact.
  - *Bucar*: It related to traffic increases on 80.
- My sense is that traffic on 80 has increased at a greater level than what was foreseen in 2003. Was that addressed or analyzed? Or can you say that numbers for 80 were higher than what we are seeing today?
  - *Bucar*: I don't have a good answer in terms of comparison on 80 traffic compared to 2004. I don't have that info in front of me. We are going through a General Plan update and there was some traffic analysis done. I do know that traffic on 89 has been relatively flat.
  - *Morris*: Whatever the counts are on 80, we can count the cars moving on to 89. We are not seeing massive increases in traffic on 89, certainly not beyond what the EIR anticipated.
- Did the EIR anticipate growth in the surrounding regional areas?
  - *Morris*: Yes.
  - *Bucar*: Our traffic model included all of Martis Valley so it takes it into account. When the original EIR was done, there was quite a bit more proposed development in Martis Valley than was actually developed. The amount of traffic or development that is to occur there is actually less than what was assumed in the EIR.

**Chair Zabriskie:**

- We have heard a number of comments of concern that the traffic analysis was not conducted during peaks. When I go to the EIR, it says they used times when traffic was worse.
  - *Bucar*: Our General Plan actually identifies the standard. It's a summer weekday, PM peak hour. There are times in the Winter with a lot of ski traffic that are busier than the design period. What we are trying to come up with is a peak, but not necessarily the busiest time of the year. The summer weekday, PM peak hours does represent a relatively high traffic volume period. It is just not the highest.

**Commissioner Riley:**

- So you are not looking at school time? Does that indicate we should reassess?

- *Morris*: The General Plan uses summer PM as the peak as it is when we have the highest traffic volume due to summer visitors. I suspect that if we ran the numbers for 89, you would see numbers are higher even without school trips than they are in Fall or Spring.
- Is that something we can do for the General Plan update?
  - *Bucar*: The existing conditions report has included some of that analysis. It does show that once you get into September, traffic starts to drop off quite a bit. There is data there that we are going to discuss.
  - *Nishimori*: We are moving to vehicle miles travelled, so it won't be an "apples to apples" comparison.

**Commissioner Tarnay:**

- It appears that in 2004, the riparian delineation was not there. That is not included in the EIR, is that correct?
  - *Wood*: The wetland was identified in the EIR. The formal delineation from the core and the specific edge might have been done after as a condition.
  - *Nishimori*: Typically, what we do is include a mitigation measure in the EIR that requires us to have that mapped. We probably already had this graphic in the Specific Plan, then did the EIR work that had the mitigation measures. We knew we would fix it with the mapping but didn't fix the graphic in the Specific Plan.
  - *Wood*: All of it was verified by the Corps. Setbacks were shown on the recorded map.

**Commissioner Riley:**

- Disclosed that she works as a design consultant for the Gray's association, and that she spoke with Erica Stein (HOA board president).
  - *Morris*: I looked at this closely and Commissioner Riley does not have conflict of interest.

**Chair Zabriskie:**

- Disclosed that he lives in Prosser and spoke with Alexis Ollar, but did not discuss the merits of the project.

**Commissioner Tarnay:**

- Disclosed that she spoke with Alexis Ollar and Dan Dickerman. Both discussed the same as what was included in their comments.

**Responding to Commissioner Riley's previous question regarding traffic on Interstate 80:**

*Gatto*: In the Gray's Crossing EIR what was predicted back in 2003 with the buildout of the Gray's Crossing project was 35,300 trips per day on that segment of 80. In 2006, according to the existing conditions report published earlier this year for the new General Plan, we were looking at 36,000 trips per day on I80. That was an increase of about 700. In 2017, the data shows about 38,000 trips per day. That's an increase of about 2,700 new trips per day from 2003 to 2017.

**Commissioner Tarnay:**

- Was that growth predicted in the EIR?
  - *Gatto*: We would have to look at the cumulative conditions to see if there is any data there. It doesn't seem that there is an unforeseen substantial increase in trips over a fifteen-year period.

**Commissioner Riley:**

- I noticed there was a decline and then a big uptick.
  - *Gatto*: That was related to the recession.

- *Bucar*: I pulled up the original impact discussion. The analysis included the traffic volumes on 80, what the project will be, and the predicted increase. I think we have established that the amount of traffic generated by today's proposal will be similar to what was analyzed previously. I don't think the impact discussion would change very much if we reevaluated today. I do have the overriding consideration information if that is something you want to discuss it.
- I think it is a value to know what allowed unmitigated impacts to move forward.
  - *Morris*: If what you are looking for is the rationale for why it was improved, we can read that.
  - *Dahn*: The Statement of Overriding Considerations for the Gray's Crossing Specific Plan EIR states that the Council chose to approve the project despite the two significant unavoidable environmental impacts because the economic, social, and other benefits that the Gray's Crossing Specific Plan will produce render the otherwise significant and unavoidable effects acceptable. (*The Statement of Overriding Considerations was read to the Planning Commission and can be found in Town Council Resolution 2003-54, Exhibit "C" Findings – CEQA Findings of Fact and Statement of Overriding Considerations of the Town Council for the Town of Truckee for Gray's Crossing*).
- Because some of that wasn't done, does that render that a shortfall in the EIR. There were only 92 units of affordable housing built out of 225. There have been other things that did not come to fruition.
  - *Morris*: It is not exactly quantifiable. The time to challenge the EIR elapsed 14 years ago. There is nothing that can be done about it now. If the council had known that some of those things wouldn't happen, maybe they would have made different findings. The EIR is valid.
- How does that work when things weren't done?
  - *Morris*: If you have mitigation measures that don't come to fruition, anyone can sue over that. That is pretty well documented. If you have assumptions in a statement of overrides that do not come to fruition, I am not aware of a way to go back and challenge the validity of the statement of overrides.

**Commissioner Tarnay:**

- As I see it, it is not my job to determine the appropriateness of the current EIR, but whether or not this project conforms to the Specific Plan and is, therefore, exempt from further environmental studies. That is all I need to determine. The only way you can have further environmental studies is to find this project not in conformance with the Specific Plan. That is what our question is tonight. Is it conforming to the Specific Plan or not?

**Vice Chair Hall:**

- What were the findings for visual regarding the south elevation?
  - *Dahn*: There is a visual resources section of the EIR. There is a component that shows 89 north view corridor of the building. It does have some visual renderings. I tried to look it up electronically but it was a terrible scan. I can pass it around if you would like to see how it compares to the existing project. *Associate Planner Dahn presented the visual to the Commissioners. For the benefit of the public, Associate Planner Dahn described the visual.* There are a couple renderings within the Gary's Crossing EIR that shows the view, at that time, from 89 north looking at the project site. There are two points, one at the Henness Road/89 N roundabout and then one at the Prosser Dam Road roundabout. You looked at the rendering to see how it compared to the rendering provided by applicant today.

**Commissioner Tarnay:**

- The Specific Plan allows for a parking reduction of 25% for two or more non-residential uses with differing peak times. Does this include a reduction in the residential parking as well?



- *Dahn*: The lofts calculation was provided in your presentation today. It includes the residential because we originally thought the proposal included live-work units. The current proposal does have a shared parking reduction for all the residential lofts, the fourplex, and the commercial uses aside from the gas station and carwash.
- Is that what the Specific Plan is allowing or is that a misinterpretation?
  - *Dahn*: It may have been an oversight for the lofts parking discussion. We could look at a new calculation basing the reduction on the non-residential uses and then add the residential component parking on top of that if you would like.
- Do we apply the 25% in other situations to the residential?
  - *Dahn*: In other locations in town we do have a mixed use incentive where there are other development standards that would need to be met in order to be provided a reduction in parking. It is not necessarily a 25% reduction for the mixed use incentive. We also have something similar to what is in the Gray's Crossing Specific Plan about a shared parking reduction for non-residential uses only. It is similar in language to what is in the Specific Plan.
  - *Nishimori*: That was pulled from the Development Code, even back in 2004. It currently exists in the Development Code, where the 25% reduction is for two or more non-residential uses.
- So technically we should be requiring more parking for the residential?
  - *Dahn*: If you are going with the option of uncoupling and using the loft calculation.
- Is it an option to require or request permeable pavements?
  - *Dahn*: You could request it of the applicant. We don't have a requirement for permeable pavers.
  - *Bucar*: In general, the permeable pavers may work but we do not have a lot of success with the permeable pavement. The voids fill with water that freezes, and then the pavement breaks. In general, it is not something we would recommend.
- Why is there no street frontage, bike paths, or sidewalks?
  - *Morris*: It is Caltrans right-of-way. This project does not actually abut 89. We cannot require it because they do not own the land, nor do we.
  - *Dahn*: I would also note that it was not identified within the Trails and Bikeways Master Plan. That was one of the reasons that staff looked at not requiring that as part of the project.
- There has been talk about a petition. I have not seen it.
  - *Dahn*: It was included in your July 16 packet.
  - *Nishimori*: That was from Dan Dickerman. We can pull up that public comment if you want to look at it.
- The Specific Plan states that there will be 48 attached housing units in a village setting ranging from studio flats to 3-4 bedroom townhomes. To me, that sounds like the attached housing units need to have all options of studio flats to 3-4 bedroom instead of just the lofts having studio flats.
  - *Wood*: I think you are combining different statements into one statement. It is studio flats and then 3-4 bedroom apartments. And the 21 lofts. We had row housing and a variety of other housing types in those other plans, like we have today.
  - *Dahn*: Our general understanding of this section is that the 48 attached units are to be studio. My understanding is that the attached housing and the lofts are two separate items within the Specific Plan.
- How many pumps did the gas station study include?
  - *Abbate*: The study that was done included several different scenarios. It looked at 4 pumps, 6 pumps, and 8 pumps and several different sizes. The study had many different plans.
  - *Dahn*: It is 4 pumps, and 8 stations.
- Does the gas station include diesel?
  - *Wood*: I don't think that was specified either way. We haven't identified diesel either way.

- *Abbate*: We are not proposing diesel.
- I am concerned about the 50-foot riparian setback and water contamination from the gas station and carwash. Were those impacts assessed previously?
  - *Dahn*: There was a wetland delineation done as part of the EIR. It may not have come through on the tentative map that's within the Specific Plan but it was identified in the EIR. The actual formalized delineation was completed as part of the final map through US Corps of Army Engineers and other State agencies that have a stake.
  - *Wood*: That is how the bridge was built. That was approved by the Corps prior to us building the bridge and abutments. All those formal delineations occurred.
- Are there any other special considerations that are made for a gas station that is abutting a 50-foot riparian corridor?
  - *Wood*: There are certain setbacks from the fuel tanks themselves to the waterline. I already met with TDPUD to make sure we adhere to those. There are State regulations. You have to have certain permitting for the tanks. Typically, there are clarifiers so you don't have runoff. As far as the EIR and the 50-foot setback, we won't have dirty water discharge. It won't work that way. It is engineered to where it doesn't. We will have a fuel spill plan related to the project as well.

**Commissioner Riley:**

- I recognize that the gas station is an allowed use and you have every right to add it. Would you agree to not have the gas station and propose something else that is beneficial to the community?
  - *Abbate*: At this point I feel the gas station is a deal breaker. The gas tanks are very secure in the ground.
- Are you dead set on having the car wash?
  - *Abbate*: The carwash is a very important piece to this. There is a lot we have done on this project to try to come to the table. Every time we take away something that is profitable it makes this less viable. The gas station is a deal breaker, but the carwash is not a deal breaker.

**Chair Zabriskie:**

- What are the negative aspects of the carwash? Are you able to address noise?
  - *Dahn*: We are not equipped with the information. If you have questions about noise or impacts, I would direct that to the applicant team.
  - *Nishimori*: In general, based on our noise standards, it would have to be a sustained noise for a certain amount of time within a one-hour period. Most carwashes don't have that. You run through a carwash in 5 to 7 minutes. That doesn't meet our threshold for what excessive noise would be.
  - *Wood*: When we put that in, we thought it was a great amenity for Truckee. You don't have a lot of them. The noise is interior. The outside emittance of noise is minimal.
  - *Abbate*: From my experience, the traffic will be louder than the carwash. There will be more noise when the blower comes on but that lasts 30 seconds of an 8-minute car wash. The carwashes are very automated and quiet these days.

**Commissioner Tarnay:**

- Does the carwash run 24 hours per day?
  - *Abbate*: No

**Chair Zabriskie:**

- How far away is the nearest residence to the carwash?
  - *Nishimori*: The concerns we have heard have been about the intensity of the car wash plus gas station, plus convenience store. It is the cumulative impact.
- Is Hennes Flats closer than any Gray's residence?

- *Gatto*: We think so, but we're getting the measuring tool ready.
- *Nishimori*: For perspective, the Town has a precedent for having a gas station next to residential with the Fast Lane gas station. Workforce housing is next to the carwash.
- *Wood*: I would say 300 feet.

**Commissioner Riley:**

- Would you be open to moving the fourplex?
  - *Wood*: We have probably looked at 7 different iterations of the fourplex. We put it there to make the park that much cooler.
- I am concerned about residents crossing the road to access the park.
  - *Wood*: What is integrated in the plan is two 12-foot lengths with sidewalks on both sides. With the different type of asphalt, we are trying to create pedestrian crossings and create interaction among different amenities.

**Commissioner Tarnay:**

- Retail would make more sense where the fourplex is, and fourplex would make more sense where MU1 is.
  - *Wood*: The buildings are not the same size. The road alignment that was built was based on the 2008 village plan. We didn't have the luxury to shift the road to accommodate a larger building footprint.

**Commissioner Riley:**

- Will everything be graded or cut in?
  - *Wood*: There are cut slopes around 3.5 feet. It had design considerations based on the 2008 plan. The parking lot that wraps south of the hotel will be in slight cut. There are advantages some advantages to that for visibility. The fourplex would be at grade or slightly in cut so we can still make good connectivity with the sidewalk.
- Are you looking at retaining walls or rock riprap?
  - *Wood*: Truckee typically discourages pad building. A hotel or footprint like that would obviously have a large pad. That's why it is positioned on one of the flattest places on the site. Some of the other units that are smaller are integrated with step foundations. We do waterproofing along the foundation edges and different techniques that allow us to do the least amount of grading.

**Vice Chair Hall:**

- You mentioned that you added berming and landscaping. Where is that happening?
  - *Wood*: We have not added it to the plan. After meeting with the HOA, we identified potential areas. We don't want to lose our view from the roundabout, but there is space to the south. Since the footprint of the gas station is smaller, we have added landscaping.

**Chair Zabriskie:**

- Is there anything that prevents a small grocery store from coming into one of the commercial spaces?
  - *Wood*: No, absolutely not. It is neighborhood commercial for that very reason. We've had a ton of discussions throughout the years of how this would develop out, and the town wanted that for a whole litany of uses that might come in. A grocery store could be one of them.

**Commissioner Tarnay:**

- I see the stipulation in the Economic Development Element of our General Plan that the town doesn't promote businesses outside the downtown core that compete directly with downtown businesses. Does this apply to gas stations?

- *Nishimori*: You are referencing the current General Plan. When this Specific Plan was put together it was based on the 1996 General Plan. The General Plan consistency was determined at the time the Specific Plan was adopted. Our current Economic Development Element does not apply.

**Commissioner Riley:**

- I thought that the current General Plan had to be consistent with the Gray's Crossing Specific Plan.
  - *Morris*: The Specific Plan and the Development Code do have to be consistent with our current General Plan. We have not read that prohibition as a hard prohibition that no business can be located anywhere in town if there is an analogous business in downtown. It is worth pointing out that downtown until recently had 3 gas station and it now only has 2. On some level, adding this gas station might replace the former Flyer gas station that used to exist.

**Commissioner Tarnay:**

- Page 20 of the Gray's Crossing Specific Plan states that the setbacks for the attached housing may be adjusted to avoid tree loss. Did you apply this standard anywhere?
  - *Wood*: Absolutely. The twisting and siding of the units along the golf course and where the driveways were placed were a direct reflection where sizeable trees could be retained. You're competing trying to get housing, so you are going to lose trees. Everything from the alignment of the roadway related to tree analysis.
- A member of the public requested that we require two trees planted for every one removed. Is there any way to request that?
  - *Gatto*: Unless it is specific in the Specific Plan we do not believe there is a nexus.
  - *Morris*: It is very difficult to make adhoc exactions. It is difficult to impose unique requirements on a project where there is no town standard to address them.
- The Specific Plan has a roofs section. It states that the roofline at the top of the structure shall not run a continuous plane for more than 60 feet without offsetting or jogging the roof plane. The north and east hotel elevation appear to be unbroken for more than 60 feet without an offset or jog.
  - *Wood*: We went through significant design review and made revisions based on architectural panel that provided comments. The architecture team made significant changes. Additionally, there is a condition of approval that requires us to go back to staff for additional review on the final drawings on architecture.
- The section on color refers to subdued color. That looks like a primary color to me. It looks orange and yellow.
  - *Wood*: It could be a printer issue, but we are open to suggestions on color.
- I would suggest that a materials pallet be submitted to the Planning Department for final approval.
  - *Wood*: Yumie, would that be consistent with the condition in the staff report? We would be going back with colors and final architecture.
  - *Dahn*: The Planning Commission could amend if there are specific things you would like to see changed. It was a pretty broad condition. If there are specific concerns, we can amend it.
- The Specific Plan has the following statement in two places: "The Specific Plan district for mixed use village center is intended to provide land area for a range of retail, office, lodging services, and business activity relating to the needs of the recreational activities and surrounding neighborhoods." What we are hearing from the public is that the needs of the surrounding neighborhood are not being addressed. What are your comments on that?
  - *Wood*: I think the residential commercial is exactly that. We are trying to tailor something for the residential neighborhood. It could be coffee shops, a bike shop. We have this trail network and a synergy between the buildings. We don't know what end uses will be, but they will be neighborhood commercial and serving the greater neighborhood. If main question is in response to the indication that the gas

station is for transient use, I would argue that it serves both. There is no gas station up the 89 corridor, yet there are a ton of residents that could utilize the facility. We think it serves both. It's not one or the other.

- Have you considered partnering with any of the local community entities that are currently looking for locations, such as the KidZone, the library, or the Boys & Girls Club of North Lake Tahoe?
  - *Wood*: Yeah, I think that is the reason for the meeting center.
- I'm talking about permanent locations.
  - *Wood*: The original Specific Plan identified a church or theater. For many years that was entertained and it has always been passed over. It's not like we tried to exclude a group, we just haven't had one that wants a facility in The Village. The Recreation Center and aquatic center are amazing and are a results from the donation from Gray's Crossing initially as part of this project.

**Chair Zabriskie:**

- How can community members be involved in who or what fills commercial spaces?
  - *Wood*: Projects like this, you try to integrate in universality in design. If someone wants a restaurant or high end bike shop, those can be accommodated. The market somewhat dictates that.
- Nothing prevents an outlet store from coming in and trying to attract patrons from the freeway?
  - *Wood*: There is a list of uses. I'd just say that is not likely.
- Can staff give us an idea of how members of the community can have some influence of what businesses come into?
  - *Dahn*: They are all zoning clearances so they would all be done by staff. There aren't any conditional use permits that are allowed within the Gray's Crossing Specific Plan area.
- So there wouldn't be any publicly noticed formal opportunity for people to become involved?
  - *Dahn*: No
- Regarding non-profits, what you are telling us is that a lot of land was already dedicated for public use and the developer for this project is not ready to dedicate additional land for one non-profit or another.
  - *Wood*: It is not an absolute, but yes. As part of the original Gray's Crossing plan, everything from the school land dedication to the recreation center to the property that Frishman Hollow is built on to eight miles of trail, I think it totaled 30 to 35 million dollars of public benefit that was given to the public as part of this project. To Nikki's point about not all of it being built-out, that is two-fold. There are additional parcels out there that you will get a crack at that haven't seen the impacts built also. They haven't seen any density bonuses either, but a majority of the public benefits have occurred.
- If a non-profit could come up with the money, could they acquire a piece of the land in the Village?
  - *Wood*: Yes

**Commissioner Riley:**

- I am curious why you are working with two different architects for the hotel and the conference center vs the residential units.
  - *Wood*: There was a relationship on some homes that were being built in Gray's Crossing with Claire Walton's group. They had a relationship with the builder that they want to utilize for this project. In conjunction with that, Dale Cox architects have experience with different hotels and different architecture. The two of them worked together in developing cross over pallet. We didn't want everything to be the same. If you're implying that there was one group doing one thing and another



doing something different, that is partially true but they were working at the same time as the plan came together.

- The hotel looks corporate while the residential units and mixed-use look special.
  - *Wood*: It depends on the eye of the beholder. When the process started, the intent was to try and make it a Truckee product.
- It seems that the applicant is proposing a reduced setback from 89 of fourteen-feet, but the standard is twenty-feet.
  - *Dahn*: The Village does not have set back standards. There was a staff recommendation to set it back to twenty-feet.
  - *Wood*: We are not opposed to that. We didn't think it was necessary because unique to Truckee, 89 is setback significantly. If we need to accommodate an additional six-feet, we can.
- What is the set back from 89?
  - *Wood*: I'd be guessing but I would say probably 90 feet.
- A question was raised about an access point for the gas station off 89 that would alleviate a lot of these issues related to traffic and safety.
  - *Gatto*: We do have a question we put before Caltrans regarding access on the other side of the highway and whether or not that is access controlled. We do not have an answer from them yet. It boils down to whether or not Caltrans would allow an access off 89 in that location.
  - *Bucar*: I believe it is an access control highway. If it is an access control highway, you could not get access unless there were some sort of unusual circumstance. It would require approval from the Transportation Commission and it would be a lengthy process.
- We haven't tried, so is that something we could request from staff? It seems like a question that should be asked of Caltrans as it could alleviate a lot of issues.
  - *Wood*: I have done surveys on the majority of the properties throughout that entire corridor. There are non-access deeds that are recorded per Caltrans that basically identified you will have intersections at these locations and no other. There was some pretty harsh language. My guess is that if you were ever to prevail, it would be a ten-year process. It is that big of a deal.

#### **Chair Zabriskie:**

- I thought someone from staff had talked to Caltrans.
  - *Nishimori*: Jenna talked to Caltrans but we haven't received a response.
- The Town had looked into getting access on 267 for the Corporation Yard.
  - *Gatto*: We were not authorized for that.
- How did Fast Lane manage to get direct access on 267?
  - *Nishimori*: My understanding is that they required as many combined points of access as they could so that they still had legal access. That serves the Hampton Inn, a future potential restaurant, and the Fast Lane gas station.
  - *Morris*: Some of those parcels have no other point of access onto a public street except onto 267. For this project, there are other possible points of access so that's why Caltrans might have a different answer.

## **PLANNING COMMISSION DELIBERATION**

#### **Chair Zabriskie:**

I can generally say just looking at CEQA and the environmental document, that my concern was the extent to which the project itself diverges from the Specific Plan and whether there have been unanticipated changes with significant environmental impact. What stood out to me was that there is a reduction in commercial space. Other than that, I considered all other changes in terms of an EIR being minor. Mr. Brown and Mr. Dickerman, as well as other commenters, put me through my paces that there must be changes in 15 years. What I found in the EIR is that it is looking into

the future. It did not look at the impact on existing conditions, but future conditions taking into account the other projects that were known, being built, or otherwise. Going through the questioning tonight, looking at the EIR, and listening to what people had to say, I am not encountering any new project or activity that was not contemplated. If anything, the projections in the EIR were anticipating a more dire circumstance than we currently have. I regret that we cannot apply current CEQA rules, such as those concerning greenhouse gases or fire protection. We are precluded from doing that. We have to apply the CEQA law that existed at the time. That is how I view the environmental analysis. I don't think we have a basis or reason for requiring more in depth or additional environmental review.

**Vice Chair Hall:**

Does that include making the necessary findings?

**Chair Zabriskie:**

I agree with the findings that were provided by staff. I did not think the ones provided before were adequate, but that is beside the point. Out of an abundance of caution, I think these findings satisfy my concerns.

**Commissioner Riley:**

I am impressed with level of community input and outreach. I think it is wonderful and how we make our town a better community. I feel like my issues were addressed in terms of the environmental assessment that was done in 2003 and the level of what was looked at. It was done specifically considering traffic. I am still hung up on bigger issues, things that are relevant to our Specific Plan and related to the village feel and intent of the project. I looked at the 2020 General Plan Land Use Element with regards to Gray's Crossing. Some of the pieces that gave me pause are these: protect wildlife habitat, preserve open space corridors connecting to adjacent open space lands, maintain the undeveloped open space character of the view sheds along 89 and 80, develop the site as a destination recreational community. I feel like a carwash and convenience store fly in the face of that. And then there was land use policy 1: manage growth so as to maintain the unique qualities and characters of the town as a small mountain community. Policy 1.1: All new developments shall meet important community goals for design quality, open space preservation, and promotion of a livable, sustainable community. Development that does not fulfill these goals shall not be allowed. I belong to GPAC, I work with the community a lot, and I have lived here for over twenty years. Many of us feel like the community character and the quality of life of this community has changed dramatically due to growth. I think a lot of it has to do with poor planning and not addressing impacts. I cannot ask for more environmental review because the applicant has done their due diligence and can prove at the staff level that they have addressed traffic. But can I say that our quality of life won't be impacted? I cannot. The intent in 2004 was to focus on the people living in the neighborhood. It was not to be focused on drawing people off of I80 with a generic hotel. While there was a gas station, there was never a car wash nor talk of a convenience store. I do not feel comfortable supporting this as proposed. I think modifications need to be made and the project needs to be more in line with a community oriented development. Others have brought up concern. Without requirements, it is just air.

**Chair Zabriskie:**

I feel the issues you just raised are much more difficult and require discussion. Turning to the other members, I want to focus on CEQA and whether you feel additional CEQA review is required considering the decision pathway proposed by staff?

**Vice Chair Hall:**

If that means can I make the findings, I feel like I cannot. If that requires more CEQA review, then the answer is yes. I take issue with the findings about consistency with the Specific Plan, and feeding into what Nikki said about community feel and safety impacts. This proposal is not directly tied to the intent of the Specific Plan. That is finding 2.

**Chair Zabriskie:**

Where is it not consistent?

**Vice Chair Hall:**

The Specific Plan provision that community character is a very large component of how the project needs to function.

**Chair Zabriskie:**

What would make it consistent with community character?

**Vice Chair Hall:**

I think relocation of the gas station would address the safety impacts and the impacts to the surrounding and existing residential. I almost think it could be as simple as that. I'm not sure I would ever support a new road off of 89. I think there are more safety impacts associated with that. The gas station should move to a less residential area to the north of the project site, closer to the retail and commercial. I think there is the remaining visual impacts associated with the hotel. The visual sim in the EIR did not look at that view shed. That is a bit of a miss. I think we can work on articulating some of those elevations from the roadway view shed. There could be a higher quality design to reduce the visual impacts. That would be another round of design review or design reiteration. I am ok with the colors. I am struggling with the south elevation wall. I am seeing lack of articulation. It would be nice if we could include a higher quality design. In terms of specifics, it is mostly the height and lack of articulation on mostly the north elevation.

**Commissioner Riley:**

I agree with Jerusha.

**Commissioner Tarnay:**

The north elevation is not in compliance with the Specific Plan.

**Chair Zabriskie:**

Are you saying that you could be satisfied by a height reduction that would still allow three stories? Or do you think three stories would be too high?

**Vice Chair Hall:**

I don't think we cannot live with three stories. I think they need to work on getting some additional articulation in there, whether that is different roof lines, additional windows, or additional materials.

**Commissioner Riley:**

I agree. It almost looks like it has been mirrored, on at least the west elevation. There is not enough break-up, especially with those roof lines.

**Commissioner Tarnay:**

I do not find it in compliance with the Specific Plan. As far as the community benefit, it is intended to provide land area for a "range of retail, office, and lodging services and business activity relating to the needs of recreational activities and surrounding neighborhoods." I am looking at the needs of the surrounding neighborhoods. If we can, I would like to get sidewalks and bike paths developed along 89. I know that is someone else's property, if it doesn't get developed with this project it never will. Regarding community character and benefit, I am looking at unit sizes. The previous version had lofts at 800 square feet. The current plan has lofts at 500 and 600 square feet. In the Specific Plan, the original buildings were somewhere around 1,800 square feet. In the current plan, the units for the fourplex are 1,450 square feet and go up to 2,700. What I don't see in this plan is myself. I live in an 1,100 square foot home with three bedrooms and two bathrooms. They have 1,500 square foot two-bedroom houses in this plan. I don't see a village or a range of housing that they are required to provide. I see really small and really big, with no middle. That is part of the character of the community that appeared to be there in the original plan that is not

there now. The applicant team is saying that the gas station is fulfilling a need of the surrounding neighborhoods, but I don't think you can call it a "need" when the overwhelming public comment is not in favor of the gas station. The Specific Plan calls for this to be serving recreational activities in the surrounding neighborhoods, but the BAE study calls out this development as a small convenience and auto-oriented commercial node. It further states that the village plan area's commercial uses will need to be designed to draw people via automobile from other locations in town and those who are passing by the site on Highway 89. It also states that the success of such uses, referring to fast food, gas, and coffee, at this site will rely heavily on traffic Highway 89. This is not neighborhood serving. The overriding need in our entire community is for more affordable housing. The construction of these attached units leaves no possibility within the framework of the Specific Plan to build more smaller, more affordable units on parcel D. That scares me. If we are going to be in compliance with the Specific Plan, then you need bring it back down to 120 units. If you want to do more units, then bring in some more public benefit. Talk to the KidZone, talk to the library, talk to the Boys and Girls Club. Try to work with them to ensure that they can in one of these spots. It appears the applicant is trying to use architecture to make large buildings not look so large. I feel like the buildings are too large and don't fit the original plan from 2004. It doesn't feel like a village when the buildings are so large. I feel like the hotel and the rest of the village don't seem related to me.

**Chair Zabriskie:**

I am now looking at the project in terms of compliance with the General Plan and how it achieves the Town's goals. I am thinking in terms of the broader interest of the entire community, not just those who showed up tonight and the Gray's Crossing community. I am looking at this with an awareness of the additional buildout that is contemplated under the Specific Plan. In a sense, I feel that a deal was struck in 2003 when Commissioner Riley sat on the Commission. Mr. Wood also alluded to this with the contributions and dedications of land made by the developer at that time. Also, I sense that this project is consistent with what was envisioned at that time. That includes affordable housing over and above what was being contemplated then. I very much appreciate the comments from the people who spoke about preserving community character. I share the appreciation of a small town feel, but I come to a different conclusion. In terms of preserving our mountain community, I think the General Plan and Specific Plan correctly viewed this project as infill. I would like to see the town doing infill, and this is that kind of project. One of the things I love about this town is that we are surrounded by wilderness. I would like to see that wilderness preserved. If we deny a hotel here in Town, soon enough we will see the county approving a hotel just outside the town's bounds. I would rather that the Town have control over that development. In terms of housing, this project adds 49 additional housing units. Only 9 are affordable, but at least its 49 additional units. While the big get bigger and the small get smaller, we do have small apartments included that could make it affordable for a number of people that otherwise cannot qualify for traditional, affordable housing. I have considered both moving the gas station and trying to add an entrance on the highway. I think we have taken care of the entrance on the highway. I fully agree that having the gas station closer to Interstate 80 helps reduce greenhouse gas emissions and traffic impacts. We are only affecting one roundabout. In addition, the other interchanges on Interstate 80 have worse traffic impacts. If we approve this project, we are shifting traffic to the intersection that has the best traffic situation. That would be a community-wide benefit. I was ready to approve this project. My bigger concern goes to the village feel and community character associated with the project. The 2008 study looks more like a village with a sense of a central square. At the same time, I am not ready to second guess the developer on this point. They have strong reasons for feeling that they get the requisite feel in what they have proposed. I don't see enough to disagree with them on that fact. I may have missed a few things but that gives you a sense of what my primary concerns are.

**Commissioner Tarnay:**

In regards to the benefit of shifting the gas to a less utilized intersection, I see the benefit of bringing people into our downtown to get gas there to see how awesome downtown is.



**Commissioner Riley:**

I agree. I don't think the gas stations downtown are overused. I don't think gas station accessibility is an issue nor a community concern. The Specific Plan allowed this use and it creates this concern with neighbors and others of challenging the overarching intent of the plan.

**Vice Chair Hall:**

What is the mileage between roundabout between roundabout one and roundabout two? We're talking less than half a mile. I think the benefits of making that move, given the existing residential development at Henness and potentially parcel D, would outweigh the location now.

**Chair Zabriskie:**

The roundabout by Henness Flats is a double lane roundabout while the other one is single lane. Many people were concerned about the impact of the gas station being by the entrance to the middle school.

**Commissioner Riley:**

I think some interesting points were raised tonight about the uses associated with gas stations and convenience stores, and being located that close to intensified housing. I grew up walking distance to a 7-11 and spent a lot of time there. It probably wasn't the best place for a young girl to hang out. Those are things to think about. Perhaps moving the gas station would make the most sense from another perspective, not just accessibility or greenhouse gas emissions. Where we are locating this use is not neighborhood oriented nor conducive to a community.

**Commissioner Tarnay:**

The direction I would provide is to bring in more community benefit. Specifically, talking to the Director of the Kidzone, Boys & Girls club, or the library to try and address some of our large, overarching community needs.

**Chair Zabriskie:**

Are you saying you want the applicant to dedicate land to one of these non-profits?

**Commissioner Tarnay:**

I have no idea how that would go. I would say contact them and see if there is any way they can work together.

*Morris:* I would like to make one point. You might want to talk to the applicant, right now, about whether they want to take another stab at revising the project or they simply want to take their denial from the Planning Commission and appeal to the Town Council. They are entitled to a decision. If you can't find a way to approve it, that is totally fine. This has come back before you several times. The applicant has made a number of attempts to revise the project. It is worth hearing from them if they want to try again or take their denial and appeal to the Council.

**Chair Zabriskie:**

I heard that the village has come up in different context in the short time I have been here, but when you said they have been here several times, what were you alluding to?

*Morris:* They have been before you once before. The point is that they are entitled to a decision.

*Gatto:* They initially submitted a pre-application in 2016 and then their formal application in late 2017. And then multiple iterations of submittals. They were before Commission last month.

**Chair Zabriskie:**

I think the basic question for the applicant is whether you want to consider further changes or if you want an up or down vote.

*Wood:* I talked to the development team and owners. We would like to float a question. I don't hear all of the commissioners with the same mindset. We are trying to find consensus. The HOA at Gray's approached us about the potential of doing something different down at the gas station. We had started looking at doing some type of different use in the gas station location. We still think this plan works, but we would be willing to take the gas station off this plan right now if it brings consensus to the Commission. **We would do additional planning efforts to see if something more palatable, that the neighborhood would want, that would make business sense.** That being said, regarding the architectural comments, we would work with staff to alleviate your concern on colors, materials, articulation, and all the things you were alluding to. We are offering to carve out the gas station. It may be in the future that we come back and say that we think the gas station is best option. You would review it at that time. But we are hoping that brings consensus on the plan at this time.

**Commissioner Tarnay:**

Is that something we can do?

*Nishimori:* Yes, you can consider what they are proposing for revisiting the gas station at another point in time. You would probably want to make some specific conditions as part of an action.

*Morris:* Are you suggesting that the commission to approve everything but leave the gas station unaddressed?

*Wood:* *That is exactly what I am suggesting. Whatever additional architectural comments that they have, we would work through those. The biggest issue through this whole process has been the gas station. We would revisit that and hopefully come up with something better for the neighborhood.*

**Vice Chair Hall:**

I support that recommendation. I found Chair Zabriskie's wrap up to be helpful. It does make me uncomfortable carving out this piece because it feels like bad land-use planning. I'm a little nervous about that, but this is a way we can keep moving forward in a positive way.

*Wood:* Per my conversation with Mr. Bauman, he said that the HOA would very much like to work with the developer on that concept.

**Chair Zabriskie:**

It sounds like the developer would rather work something out.

*Wood:* We would obviously work with staff.

*Nishimori:* I am not sure if we are clear on if they are asking to continue or if they are asking you to approve a project that excludes a gas station and allows for staff to review architecture.

*Wood:* We are asking for exclusion of the gas station in exchange for a vote and hopefully approval tonight. If that is not the case, if there is not consensus, we would still want a vote tonight.

**Chair Zabriskie:**

Does that still leave them leeway on articulation, color, and height?

**Vice Chair Hall:**

I think they said they would work with staff on that. Maybe we can look at that condition of approval and make sure it includes everything it needs to include.

*Nishimori:* As a Commission, you can decide if it is appropriate for review by staff for changes in architecture or you could require that the one component come back to the Commission for your approval.

**Commissioner Riley:**

I like that, but I also want to be clear on what we are doing here. I think this is a great compromise and it addresses a lot of the concerns from the neighborhood and people outside of the neighborhood. That doesn't mean I think it should be a blank slate. I think we could say "yes, but if they wanted to come back with a gas station we need to review it. Are there other uses we are not thinking of that we might not be comfortable with? Without knowing, I don't want to open the door to something. I would like to be clear on what is being considered.

*Morris:* I think what I am hearing is that they are requesting that you approve the project as submitted in its current form with the exception of the gas station site. You essentially take no action on that site whatsoever, thus allowing them to continue to work with staff on that, but not requiring an entirely new application. There would be no guarantees of any kind about what might or might not be approved in the future with respect to the gas station sight. It's worth pointing out that the makeup of the commission could change at some point, perhaps, before this comes back. I am sure the applicant understands that.

**Chair Zabriskie:**

Could you provide draft language indicating that we approve the project except we are excluding the gas station?

**Commissioner Tarnay:**

To be clear, that includes the gas station, car wash, and convenience store.

**Commissioner Riley:**

Do we need to discuss any of the other things. I have a list of smaller things. There may not be consensus on those, but I don't want to move forward without having the conversation.

*Nishimori:* That would be a motion approving the project but excluding the gas station, convenience, and car wash. Then, you would have a condition specific to the architecture for the hotel and whatever other modifications to the conditions of approval that staff has recommended or any other changes in the findings.

**Commissioner Tarnay:**

I think it is an incredibly generous offer and I appreciate the effort you are putting into this project.

**Vice Chair Hall:**

I support what Denyelle just said.

**Chair Zabriskie:**

So do I.

**Commissioner Riley:**

I do but what about the set-backs. Is the TTSD request off the table? There is the bus pull-out but they also had flashing crosswalks at Henness and Edwin and the roundabout. That makes me feel better from a public safety standpoint. This is a pedestrian oriented development. I want to be on the same page. I don't want to just approve without the gas station and not have an answer on the other things.

**Chair Zabriskie:**

In this particular situation, I am fine trusting them to proceed as they have indicated they would with the school district. Alternatively, we could make it a condition.

**Commissioner Tarnay:**

They have currently agreed to the pull-out. They haven't agreed to the flashing lights. We have run into an issue with engineering before when we have asked for flashing lights at crosswalks.

*Bucar:* I read the TTUSD letter to recommend four different alternatives to consider, not necessarily recommending that all get implementing. Maybe I was interpreting the way the letter was written.

**Commissioner Riley:**

I like the flashing light sign, specifically at the roundabout crosswalk.

*Dahn:* This is something they are proposing as part of the project description. This is not a condition of approval. Since there are existing conditions, it is not something we can require. This is just something they are proposing to help alleviate TTUSD's existing conditions.

**Chair Zabriskie:**

So we couldn't have a condition that is subject to an agreement with the TTUSD?

*Dahn:* There is a proposed condition in my presentation today that says that the design and location is at the review of the Town engineer and TTUSD. But the actual requirement for it is part of the project description and part of their public improvements.

*Nishimori:* We could include that as part of the project description under the "whereas" portion of the resolution.

*Morris:* It would be difficult to completely give TTUSD a veto to require that whatever the applicants do requires TTUSD's approval because they may ask for something for which there is no nexus.

*Woods:* Our ownership group was very gracious in the fact that they saw the letter and agreed to add the turnout. Regarding the flashing lights and other things, we just removed a significant amount of traffic that is going to be entering the project. Maybe one of the other parcels in Gray's Crossing might add some of the other improvements.

**Commissioner Riley:**

I appreciate that. Maybe someone else can add the lights. Regarding setbacks, any thoughts on the 20-foot versus the 14-foot setback?

**Vice Chair Hall:**

I like the 20-foot setback. Did they agree to that?

*Wood:* We can accommodate the additional six feet.

**Commissioner Riley:**

I think my concern over the location of the fourplex is less valid now. I feel like it is not right next to the gas station. There was the bike path and sidewalk on 89. Where are we with that?

**Commissioner Tarnay:**

It sounds like we cannot require it because it is not their property.

**Commissioner Riley:**

I feel good moving forward with what Denyelle had said. We have removed the gas station, car wash, and convenience store. I think this is an impressive display of addressing community and Planning Commission concerns and bigger quality of life concerns.



A motion was made by Commissioner Riley, seconded by Vice Chair Hall, to approve the project as proposed with the following amendments:

- Amendments to the resolution with CEQA findings for Section 15183 as presented at the meeting;
- Removal of the gas station, convenience store, and car wash from the project, removing all conditions related to the gas station, convenience store, and car wash;
- The project description was amended to include "...and an offsite bus turnout on Henness Road...";
- Addition of a new condition (Final Condition of Approval No. 64) requiring that the design and location of bus turnout be reviewed by the Town Engineer in collaboration with TTUSD;
- Require a new condition (Final Condition of Approval No. 63) that the applicant pay their fair share of the fee to participate in and fund a transit plan, per Mitigation Measure 4.2.9 of the Gray's Crossing EIR;
- Amendments to Condition of Approval No. 12 to require that the maintenance agreement includes offsite trails built by the project, including the sidewalk on the north side of Henness Road;
- Amendments to Condition of Approval No. 20 to require that the architecture meet the design guidelines for articulation and roof length;
- Amendments to Condition of Approval No. 24 to allow the live/work units to be "uncoupled" and individually sold/rented;
- Amendments to Condition of Approval No. 18 to require 269 shared parking spaces; and
- Amendments to Condition of Approval No. 61 to require that at a minimum prior to Temporary or Final Certificate of Occupancy for the hotel, Final Certificate of Occupancy for the fourplex is required. Additionally, a 20% affordable housing ratio shall be maintained with construction of the market rate residential units.

The motion was carried by the following vote:

**Ayes:** Chair Zabriskie, Vice Chair Hall, and Commissioners Riley and Tarnay

**Noes:** None

**Absent:** Commissioner Gove

**Abstain:** None

The motion passed with a 4-0 vote.

## **7 PUBLIC HEARINGS (Minor Review)**

### **7.1 Development Code Update—State-Mandated Requirements for Housing (Transitional/Supportive and Employee Housing, Manufactured Homes, Secondary Residential Units, and Microkitchens).** Yumie Dahn, Associate Planner.

The Town of Truckee is proposing to amend the Development Code to maintain compliance with State requirements and implement General Plan Land Use Element goals and policies.

**Staff Recommendation:** That the Planning Commission adopt Resolution 2019-19, recommending approval to the Town Council of 2019 Development Code amendments for State-mandated requirements for housing, including (Transitional/Supportive and Employee Housing, Manufactured Homes, Secondary Residential Units, and Microkitchens), and recommending the amendments to be exempt from CEQA pursuant to Section 15061(b)(3).

**A motion was made by Commissioner Riley, seconded by Chair Zabriskie, to continue the hearing to the September Planning Commission meeting and carried the following vote:**

**Ayes:** Chair Zabriskie, Vice Chair Hall, and Commissioners Riley and Tarnay

**Noes:** None

**Absent:** Commissioner Gove

**Abstain:** None

The motion passed with a 4-0 vote.

**8. PUBLIC HEARINGS (Major Review) – None.**

**9. STAFF REPORTS – None.**

**10. INFORMATION ITEMS – None.**

**11. COMMISSION MEMBER REPORTS**

**Commissioner Riley:** I am headed to burning man.

**Vice Chair Hall:** I think I want to resign from the Vice Chair position.

*Nishimori:* We can agendize that for the next meeting.

**Commissioner Tarnay:** I had the honor to serve on jury duty in town for 3 days. I would like to remind everyone to vote during the special election.

**12. ADJOURNMENT.** At 10:45 p.m. to the next meeting of the Planning Commission, Tuesday, September 17, 2019, 6:00 p.m. at 10183 Truckee Airport Road, Truckee, CA 96161.

Respectfully submitted,

Denyelle Nishimori,  
Community Development Director

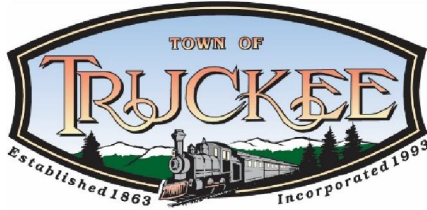
By:



**Julie Paping,**  
**Administrative Technician**

## Exhibit B

Minutes from July 16, 2019 Planning Commission Meeting for Village at Gray's Crossing



**TOWN OF TRUCKEE  
PLANNING COMMISSION**

**REGULAR MEETING MINUTES**  
**July 16, 2019, 6:00 p.m.**

**Town Hall – Council Chambers**  
**10183 Truckee Airport Road, Truckee, CA**

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**1. CALL TO ORDER**

- 2. ROLL CALL** – Chair Zabriskie, Vice Chair Hall, Commissioner Gove, Commissioner Riley, and Commissioner Tarnay.

**Staff Present:** *Community Development Director Denyelle Nishimori, Planning Manager Jenna Gatto, Associate Planner Yumie Dahn, Engineering Manager Becky Bucar, and Administrative Technician Julie Paping.*

**3. PLEDGE OF ALLEGIANCE**

**4. PUBLIC COMMENT**

Chair Zabriskie opened public comment at 6:02 p.m.

Seeing none, Chair Zabriskie closed public comment.

**5. APPROVAL OF MINUTES** – None.

**6. PUBLIC HEARINGS (Minor Review)**

- 6.1 Application No. 2019-00000064/ UP AMND (Winter Greens Adult-Use Cannabis Delivery Service Use Permit Amendment); Owner/ Applicant: Winter Greens, LLC.** Jenna Gatto, Planning Manager.

The applicant is requesting a Use Permit Amendment to add medicinal use cannabis delivery to the existing adult use delivery service. Winter Greens cannabis delivery service is currently operated out of a 2,750 square foot suite located in the DM (Downtown Manufacturing) zone at 10960 West River Street. No exterior modifications to the site or property are proposed. No public access is proposed and on-site sales are prohibited. No other changes, other than the addition of medicinal use cannabis delivery, are proposed.

**Staff Recommendation:** That the Planning Commission adopt Resolution 2019-18 determining the project to be exempt from CEQA pursuant to Section 15061(b)(3) and approve the Use Permit Amendment for the project based on the recommended findings and subject to the recommended conditions of approval.

Planning Manager Gatto presented information from the staff report (on file with the Town Clerk).

**PUBLIC COMMENT**

Chair Zabriskie opened public comment.

Seeing none, Chair Zabriskie closed public comment.

**PLANNING COMMISSION CLARIFYING QUESTIONS**

**Vice Chair Hall:**

- Have we looked at additional vehicle trips generated from the additional use?
  - *Gatto*: It was determined that they are minimal. The trips associated with deliveries are not extensive, at least from what we understand.

**Commissioner Tarnay:**

- Regarding condition of approval no. 3, that does not mean the applicants have to stop selling product after 4 years, correct?
  - *Gatto*: Correct. They need to show that they have incorporated a medicinal use into their operation to effectuate the amendment to the use permit.

**Chair Zabriskie:**

- Does medical licensing require fewer taxes?
  - *Gatto*: It is a little cheaper.
- Is a medical prescription required?
  - *Gatto*: It is not technically a prescription that is required and rules have changed with the passage of proposition 64. In the past, the medical system was likely heavily abused. There is a more robust process in place now.

**PLANNING COMMISSION DELIBERATION**

None.

**A motion to adopt Resolution 2019-18 determining the project to be exempt from CEQA pursuant to Section 15061(b)(3) and approve the Use Permit Amendment for the project based on the recommended findings and subject to the recommended conditions of approval, was made by Commissioner Gove, seconded by Commissioner Riley, and carried the following vote:**

**Ayes:** Chair Zabriskie, Vice Chair Hall, and Commissioners Gove, Riley, and Tarnay  
**Noes:** None  
**Absent:** None  
**Abstain:** None

**The motion passed with a 5-0 vote.**

**6.2 Application No. 2018-00000162/TUP (Gray's Crossing Events Temporary Use Permit); Owner/Applicant: Hayes Parzybok and Glen Clement, Tahoe Club Company, LLC (11410 Henness Road; APNs 043-010-008 and 043-010-003). Yumie Dahn, Associate Planner.**

In April, the applicant was approved for a Temporary Use Permit approval to hold 32 private events each year with amplified music at the PJ's Restaurant and adjacent outdoor dining/lawn area at Gray's Crossing from May to October in 2019 and 2020. The applicants recently received approval of a Special Exception from the Truckee Tahoe Airport Land Use Commission (TTALUC) to lift the occupancy requirement that is associated with the Truckee Tahoe Airport Land Use Compatibility Plan. In light of this, the applicants are requesting to remove Condition No. 20 from their Temporary Use Permit:

*A maximum of 173 people shall be allowed at the PJ's restaurant, outdoor dining area, and adjacent lawn areas, including staff. If TTALUC approves additional people onsite beyond a 20% increase, the project shall return to Planning Commission for review and*

*approval. Prior to June 1, 2019, the applicants shall provide a plan to the Planning Division identifying how attendance to the concert events would be monitored and capped. The plan shall be reviewed and approved by the Community Development Director.*

**Staff Recommendation:** That the Planning Commission adopt Resolution No. 2019-16 determining the project categorically exempt from CEQA per Section 15304(e) (Minor Alterations to Land) and approving the Amendment to the Temporary Use Permit based on the recommended findings and subject to the recommended conditions of approval.

Associate Planner Dahn presented information from the staff report (on file with the Town Clerk).

The applicant team, represented by Brian Helm, presented information on the proposed amendment to the Gray's Crossing Events Temporary Use Permit (on file with the Town Clerk).

## **PUBLIC COMMENT**

Chair Zabriskie opened public comment.

**Jim LaFrom:** Mr. LaFrom lives approximately half a mile from PJ's. He has seen an uptick in the number of concerts and events taking place at PJ's over the last 3 years. He noted that the parking lot at PJ's is typically very crowded, and he is concerned that raising the maximum attendance to 250 will exacerbate the problem. He further noted that, while there was no event tonight, there were still cars parked in one lane of egress of the driveway. When there are events, such as golf tournament, the parking lot overflows and there are cars parked on the shoulders. He believes the parking at PJ's needs to be doubled. Mr. LaFrom explained that when he bought his home, he thought it would be quiet being on a golf course. He has found that noise levels depend a lot on the wind. With some concerts, the music drifts right through the neighborhood. He pointed out that if his music were that loud, the police would likely be called.

**Fred Isaac:** Mr. Isaac is a homeowner at Gray's Crossing and he is completely opposed to the events at PJ's. He expected a nice, quiet golf community when he bought his home, but instead he is dealing with noise from events and weddings that continue until 10 p.m. He feels this disturbance is felt throughout the Gray's Crossing community. Mr. Isaac noted that parking is also an issue, with cars taking up the entire wooded area. He is concerned that if the attendance is raised to 250, both the parking and noise issues will worsen. The events at PJ's were booked without permits, and Mr. Isaac does not feel it is right for the Town to now approve an increase in attendance. He noted that on the PJ's website the higher number is already being promoting, even without approval. Mr. Isaac closed by stating that he understands supporting local business, but feels this is not the right way to do so.

**Steve Bauman:** Mr. Bauman is the Vice President of the Gray's Crossing Master Association. Mr. Bauman reiterated several points from the written comment submitted on behalf of the HOA. He is in support of using the facility for community events that only last until about 8:30 p.m. However, he noted that the HOA has received complaints from its residents who are concerned for their safety and the safety of children in the area. The increased parking and traffic has led to blockage of streets, people driving fast through neighborhoods, and people potentially driving under the influence after events. He supports the staff recommendation regarding street parking, and he urged the Commission to limit the attendance number.

**Robin Hensley:** Ms. Hensley lives in Gray's Crossing. Because the events were taking place before permits were ever issued, she feels that this is a continuing case of back-dooring something in. She asked a series of questions including: 1) What is the planning principle for allowing a use to continue and perhaps even expand just because it was started in the first place? 2) How does Paradigm 8 meet the overall parking requirement? 3) What will Paradigm 8 provide to the Town and residents to prove that the noise level is being monitored and that all of the



conditions of approval are being met each and every time an event is held? 4) When will the actual wedding event studies occur and how will residents be made aware of those findings? Ms. Hensley is uncomfortable that citizen complaints are the compliance meter and enforcement mechanism. She noted that although the sound study for the mock event shows that the speakers need to be facing up towards Prosser and to the right of PJ's, the speakers are pointed towards the golf shop instead. She also informed the Commission that the one resident who spoke in favor of the proposal at the April meeting has since sold her house and moved.

**Jorge Vilalja:** Mr. Vilalja owns the house closest to PJ's. He stated that while the sound tests may be in compliance, he can still hear pounding from the bass even with his windows closed. He can also hear people talking. He is concerned that the noise issue will be worse if attendance increases from 173 to 250. He noted that last week, there were people parked on both sides of the road and close to his driveway. He had a hard time getting into his driveway and his kids could not play in the street.

## PLANNING COMMISSION CLARIFYING QUESTIONS

### Commissioner Riley:

- Disclosure: I serve as a design consultant for the Gray's Crossing Master Association.
- How much paved parking is on site at PJ's?
  - *Dahn:* 87 parking spaces
- How many paved spaces should be required for 250 people at a wedding?
  - *Gatto:* I don't believe we have a standard that would correlate to a wedding event. To determine that number, we would have to do some kind of parking analysis and then work with a consultant to understand what would be required.
- Is that something we can require as part of approval?
  - *Gatto:* That could be challenging as the applicant's request is to not have a cap on events.
- How much parking is off-site versus on-site?
  - *Helm:* Typically, the weddings do not trigger off-site parking but do generate 20 – 24 vehicles in the dirt parking lot. PJs is approved for an additional 27 stalls which we are working toward. The concerts and golf tournaments have triggered off-site parking on the streets, where parking is legal during the summer months. When vehicles started parking on both side of the street, vehicles were within the Fire Marshal's expectation of 20 feet of clearance for a fire apparatus. We support staff's request for no parking on one side of the street.

### Chair Zabriskie:

- For this particular situation, is there any sense how much it would cost to conduct a survey of the number of visitors per car during an event?
  - *Dahn:* We could go out and do two events to see the per car number. However, this is a Temporary Use Permit. It is not a standard Use Permit. If we are going to look at requiring an increase in the number of parking spaces, it would require a project amendment for the PJ's clubhouse. It would not be something we could do within this Temporary Use Permit. The only reason we can allow for the additional parking in the upper tier is that the original PJ's permit allows for a range of 87 to 114 parking spaces. If we want to create permanent parking for the future for this Temporary Use Permit, it would require an actual project amendment to increase the site disturbance on site.
- Don't you close down during special events?
  - *Helm:* Yes. Weddings overlap with golf so you may have golfers coming off of the green as an event is getting set up. We typically don't have parking issues, even for the large weddings. Street parking is typically only needed for the Tuesday

concerts. I believe the parking on both sides is legal. The parking on both sides is what triggered concerns for the Fire Marshal.

- Would the applicant support the staff recommendation restricting parking on one side of the street?
  - *Helm*: Yes.
- What is the status of the sound study? Have you submitted a report on the mock study?
  - *Helm*: We have submitted the mock study. We are about a week out on completing the addendum. We will be submitting the addendum for the live events within the next two weeks.
- You will also have to submit a report on your actual event monitoring, correct?
  - *Helm*: That is correct. Staff keeps a log for each of the events. We have established a set-up checklist that staff goes through. They do an initial sound evaluation at DJ set up. They complete a log of complaints and responses to the complaints, as well as a log of sound measurements that they are taking during events. Those logs will be submitted to the Town of Truckee for our conditions of approval prior to the date in September.
- What date is that due?
  - *Helm*: Sometime in September.
- One of the public comments noted that the speakers were not facing in the correct direction. Is that correct?
  - *Helm*: The orientation of the speakers that the sound consultant recommended is provided on the diagram. I will confirm that we are going through that set-up checklist.
- What are your feelings on a cap on attendance?
  - *Helm*: We are fine with the 250 cap. The 173 had nothing to do with parking, noise, or congestion. It was imposed by the airport district.
- There were comments about reckless driving. What are you able to do ensure people aren't inebriated when the leave?
  - *Helm*: Our staff is trained not to over serve; however, people bring their own alcohol to events which makes it tough to monitor.
- What are your staff members doing to watch for inebriated drivers?
  - *Helm*: I cannot really speak to that. I can follow up with our food and beverage team, but I am not typically on site for most of the concerts.
- I would like to see a car study to find out the average number of people per car.
  - *Helm*: A car study or site population study will show an overflow of parking. Is that legal street parking and are people allowed to park there as long as they are not impeding on the 20 feet? If we don't have the ability to allow legal street parking for concerts, it would eliminate our ability to hold concerts.
- My concern is how many people per car we are averaging.
  - *Hall*: Couldn't they work their way down the whole street. Where do we draw the line on how far down the street they can park?
  - *Zabriskie*: I want to see the numbers first.
  - *Tarnay*: I understand the desire to restrict the number of cars, but I don't think we want to restrict the number of people through the number of cars.
  - *Helm*: We don't have a problem doing a count. We thought we left the last meeting hearing that there wasn't a concern with the number of people attending the concerts. We thought we were instructed to contact the airport district to increase the number of attendees for concerts since they are a community benefit. My fear is that the concerts may be more trouble than they are worth.
- Does staff have anything further to add regarding conducting a count per car at events?
  - *Nishimori*: I think that is something you could request as part of approval. We were just discussing whether you could achieve the same thing by requiring a parking management plan as a condition. It sounds like the commission as a whole is interested in putting a box around where parking is allowed.
- What would be the cost and burden of a parking management study for staff?



- *Nishimori*: It is not a burden or cost for staff. It is something that the applicant would pay for. Staff would then review it and discuss options.
  - *Bucar*: In terms of doing an evaluation of how much parking is needed, we won't get a good feel for how far the parking would occur without actually evaluating where there is space. The shoulders vary for where you can park your car. In some places there is off-road parking. There are also ditches and guard rails in spaces. You could really start going down a rabbit hole of analysis. There are other places in Town that have concerts, where parking is allowed out on the street.
- In the parking condition where it specifically refers to driveways, is that something that came from the Fire District?
  - *Dahn*: Yes

#### **Vice Chair Hall:**

- Will the noise addendum that is coming include your mitigation measures to ensure that you are noise compliant?
  - *Helm*: Yes. When we did the original study and the first wedding study everything was in compliance. When we did the second wedding, all but four measures were in compliance. We are re-looking into what mitigation efforts we will implement. It is important to note that the sound studies are pretty counterintuitive. Spoken word and music are more audible, but the actual decibel reading generated by that sound may be consistent with the ambient noise level. Some of the ambient noise readings are consistently in the high 40s to low 50s, exceeding the Town standards. When you have music on top of that, the music is more audible but it is not generating a decibel level that is in excess of the sound standards.
- Why did this come to the Commission without the complete noise study? Could it have waited a month?
  - *Zabriskie*: We voted for it.
  - *Gove*: We were hopeful that the study would be completed by now.
  - *Helm*: Given public support for the concerts, we were asked by the Commission to go to the Airport District to request an exception in order to allow for increased attendance for the concerts. That is the only reason we brought this back.
- The lateness of the weddings is a recurring theme of the public comments. Have you discussed ending weddings earlier in the evening?
  - *Helm*: We did not schedule the events. We took over the business and are trying to keep it from going under. We actively tried to sell 8:00 p.m. end times or acoustic-only weddings, but we did not get any takers for that offering.

#### **Commissioner Gove:**

- At the last meeting, your team mentioned you were exploring renovating the golf center to house wedding events.
  - *Helm*: We think we have some better options that we will bring to staff and Town at a later time.
- Is it fair to say you are not interested in doing the weddings after two years?
  - *Helm*: Our hope is that PJ's is not our primary location for those events. The restaurant cannot be successful if it is closed for weddings every Saturday. Two years from now, we hope to have a more permanent solution that does not disrupt the community.
- Would there be any way to put language on street signage so that if someone were parked illegally they could be legally towed?
  - *Gatto*: I am not sure that we could do that since the municipal code allows for summertime or seasonal parking. It would likely fall into the realm of code compliance unless we were to make changes to our municipal code.
  - *Nishimori*: When we looked at this request, we looked at similar facilities that are in operation in the community, including Tahoe Donner and Truckee Thursdays. We looked at what we could reasonably expect people to do to manage the

- parking, and having signs with a barrier tends to be very effective to keep people from parking in restricted areas. If we find that does not work in this situation, we could revisit it.
  - *Gatto*: We could require a parking management plan and put the burden on the applicant to enforce the condition privately.
  - *Helm*: I talked to the Fire Marshal about that issue as to what compliance measures are in place. He admitted it was largely complaint based. He did say that if someone is impeding the 20-foot fire access requirement, that is a towable action.
- Would alerting the Fire Department would be up to you?
  - *Helm*: I don't know if I would alert Fire Department as much as I would alert the tow company.
- What is the process for when this Temporary Use Permit it expires, if the applicant wanted to extend or renew the permit?
  - *Dahn*: The language in the condition states that if there are not significant complaints and the Community Development Director finds that the applicant has been in compliant with all requirements, staff could then renew the Temporary Use Permit. If there are substantive complaints, then we would return to the Planning Commission for review.

**Commissioner Tarnay:**

- You mentioned that two sound readings during an event were in compliance and one was not. Was the concert within compliance?
  - *Helm*: It was high. It was 55.
- I believe I have heard tonight both that concerts do and do not trigger overflow parking. Do the concerts cause parking overflow?
  - *Helm*: The concerts and large tournaments have caused overflow. The weddings are smaller and do not overflow the parking, though they have pushed staff into the unimproved area which we are addressing.
- If we make it so parking is illegal on one side, would that be ticketed by local law enforcement?
  - *Nishimori*: We have not had people not comply in these situations. The signs typically include a tape barrier to block people from parking there. It has not been an issue in the past.
- For the condition of approval, it would just apply a cap for the weddings and not the concerts, correct?
  - *Dahn*: There would be no cap for the concerts.

**PLANNING COMMISSION DELIBERATION**

**Chair Zabriskie:**

One of the commenters wanted to know what our principle is for approving projects that were previously operating without a license. We look at those things on a case by case basis. We are not necessarily going to punish a person for having acted without a license. At the prior hearing, there were several people in favor of approval of the motion. It was not complete opposition, and there was lively discussion.

I would like to disclose that I do live in Prosser and I have attended one of the Tuesday concerts.

**Commissioner Riley:**

I appreciate all of the public comment and the letters that were written. I want to uphold the good neighbor idea and want to make sure both sides benefit adequately. It sounds like there is support to continue the concerts without a cap given that there is a time limit. I think the staff recommendation of parking on one side of the street will help with the parking issue. The more negative sentiments were towards the weddings. I am not supportive of an open-ended number for wedding guests. I feel like 200 guests plus staff is a happy medium. I would like to require that the 27 spaces be improved. I am ok with the noise complaints being addressed by staff. I see the benefit of a parking management study, but I am concerned about requiring it after the fact. Parking will become a bigger issue when considering other projects in the area, but I don't want it to stand in the way of this getting approved.

**Vice Chair Hall:**

It resonated with me that the applicant is looking at an alternative site for wedding events. I think the 200 guest limit proposed by Commissioner Riley makes sense.

**Commissioner Tarnay:**

I am supportive of staff's proposed parking condition. For safety sake, we should have fire access. I am supportive of the 200 guest limit on weddings, but not on public concerts. I like that PJ's is providing a public benefit, not just for the private community.

**Commissioner Gove:**

I appreciate the reminder from the applicant that they did not book the initial events and are just trying to prevent the business from going under. I believe that keeping wedding guests at 200 is appropriate. I do think it needs to be reviewed at the end of this temporary use permit. I am sympathetic toward the homeowners. I want to find a middle ground.

*Dahn:* We would need to amend the condition of approval that allows the permit to be reviewed by staff, if the Commissioners agree with Commissioner Gove's desire to change the approving authority.

The Commissioners agreed to amend condition number 9 to require Planning Commission review of future Temporary Use Permits after the initial two-year period, amend condition number 20 to allow for a 200 person wedding attendee maximum not including staff, amend condition number 14 to require paving of the auxiliary parking area by August 31, 2019, and add a new condition for parking on one side of the street

**A motion to adopt Resolution No. 2019-16 determining the project categorically exempt from CEQA per Section 15304(e) (Minor Alterations to Land) and approving the Amendment to the Temporary Use Permit based on the recommended findings and subject to the recommended conditions of approval, as amended by the Planning Commission, was made by Commissioner Riley, seconded by Vice Chair Hall, and carried the following vote:**

**Ayes:** Chair Zabriskie, Vice Chair Hall, and Commissioners Gove, Riley, and Tarnay  
**Noes:** None  
**Absent:** None  
**Abstain:** None

**The motion passed with a 5-0 vote.**

**7. PUBLIC HEARINGS (Major Review)**

**7.1 Application No. 2017-00000160/DP-TM-CSP (The Village at Gray's Crossing); Owners/Applicants: James, Sabra, John, and Kaaren Abbate; Agent: Dale Creighton and Martin Wood, SCO Planning and Engineering (10212, 10120, 10105, 10131, 10153, 10057, 10009, 10002 Edwin Way; 10149 Annie's Loop, 11763 Henness Road; APNs 043-050-021, 043-060-001 to 043-060-008, 043-070-001 to 043-070-003, -005, and -007).** Yumie Dahn, Associate Planner.

The applicants are requesting approval to construct the remaining Village at Gray's Crossing, which includes a hotel with conference center, pool, and outdoor lounge area, one eight-pump gas station with convenience store and car wash, three commercial buildings with five residential units above, two commercial buildings with three residential units above, 24 attached single-family residential units with attached garages, one residential fourplex, realignment of the existing Class I trail on the eastern side of the property, construction of a transit shelter, and 250 parking spaces.

The following land use approvals are required: **1) Development Permits** for new non-residential structures that contains 7,500 s.f. or more of total gross floor area and disturbance of 26,000 s.f. or more of the site, establishing a "Hotel," "Live/work quarters," "parks and playgrounds," "convenience store," and "gas station/car wash," and for multi-family residential development with eleven or more residential units; **2) Tentative Map** to redescribe/resubdivide the 15 existing parcels and easements (Lots D through R of Final Map No. 02-007, called the Village at Gray's Crossing Phase 1 Subdivision Map) into seven commercial lots, three common space/open space lots, one right-of-way lot, 24 townhome lots, 21 condominiumized lofts, and one residential fourplex lot with four condominiumized units; and **3) Comprehensive Sign Program** approval for signage in the mixed-use development.

**Staff Recommendation:** That the Planning Commission find the project exempt from further environmental review pursuant to Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning) of the California Environmental Quality Act and adopt Resolution No. 2019-17 approving the following actions based on the recommended findings and subject to the recommended conditions of approval:

1. Approve the Development Permit;
2. Approve the Tentative Map; and
3. Approve the Comprehensive Sign Program.

Associate Planner Dahn presented information from the staff report (on file with the Town Clerk).

The applicant team was represented by Martin Wood, Mark Schlosser, and Peter DeMattei. Martin Wood presented information on the project (on file with the Town Clerk).

## **PUBLIC COMMENT**

Chair Zabriskie opened public comment.

**Steve Bauman:** Mr. Bauman is the Vice President for the Gray's Crossing Master Association. He highlighted select points from the written comment submitted to the Planning Commission on behalf of the HOA. He pointed out that there were no residents living in Gray's Crossing when approvals were made in the past, and that things have since changed.

**David Hennig:** Mr. Hennig supports the trail addition as recommended by staff. He is concerned with the proposed gas station at the corner of Henness Road since it is near where the school bus loads and off-loads. He requested that staff revise assumptions to take into consideration the parked school bus, particularly during the 7:00 to 8:30 a.m. timeframe.

**Sylvie Pircher:** Ms. Pircher has lived full-time in Prosser for 15 years. She is concerned that there are so many projects going on at the same time and in the same area. She is also concerned about safety and traffic on 89, particularly at the Alder Creek intersection. She would like to hear from the developers where the dump trucks would be coming from during construction, as she believes dump trucks tend to speed. Finally, she is concerned about traffic and safety at the roundabouts and additional pollution created by traffic.

**Nicole Cheslock:** Ms. Cheslock is concerned about safety at the roundabouts and reminded the Commission that a child was hit at one of the roundabouts. She is also concerned for pedestrian and bicyclist safety given the significant amount of development in this part of town. She would like to see solutions put in place to prevent other people being hit.

**Dan Dickerman:** Mr. Dickerman is a homeowner of over 10 years in Gray's Crossing and he does not support the project as proposed. He reiterated points made in his written comment submitted to the Commission. He urged the Commission and staff to take his and others' comments into consideration. He expressed disappointment that the project was allowed to get so far along in the process before community outreach efforts were made. He noted that the original design included a small market, a business center, and other community amenities. He feels the latest design fundamentally changes the character of the project and its focus is no longer on the community.

## **APPLICANT RESPONSE**

*Wood:* Regarding concerns of expansion, there is no opportunity to expand as there is no other land for additional development. In terms of safety, anything we design that is roadway related, such as pedestrian crossings, meet all of the Town requirements. The roundabouts were constructed per Caltrans requirements. Some of the surfacing and parking we are doing has a tendency to slow traffic down. As for construction traffic, the project is not far enough along to have a contractor on board. I would expect there would be construction traffic coming from different directions, not just one. I will concede that the parked school bus may increase traffic in the area, but this particular site is served with good circulation and is not at the end of a road or bottleneck. There are not many car washes in Truckee. It can be attractive and work well with the gas station element. I think the Gray's HOA is great in the sense that there are passionate people who have bought there and care about what their neighborhood looks like. We can work with them. In terms of the car wash, we would be willing to look at adding berming that could provide screening. Regarding the addition of the requirement for the bike trail, I think that could have a good effect on limiting people parking there that are not supposed to. We would even consider the addition of a split rail fence along that edge if Engineering so desired as an inexpensive means of keeping people off that remnant parcel. We have a good client that wants a high quality project. If there are small tweaks or changes that the HOA has commented on, I think we can integrate that into the plan.

## **PLANNING COMMISSION CLARIFYING QUESTIONS**

### **Commissioner Tarnay:**

- The fourplex looks like it is pushed off to the side. Why are all of the low-income housing units grouped together?
  - *Wood:* That wasn't the thought process at all. We thought that was a good opportunity area as it is surrounded by trees. We felt that unit was connected and in close proximity to the park across the street. We think it is a great addition to the neighborhood.
- Regarding the affordable housing parcel identified on the southeast corner, would there be enough of that to actually build anything outside of the 50-foot set-back?
  - *Dahn:* I think so.
  - *Wood:* The 2008 plan that has since expired, had a tri-plex on that spot.



- Where is the snow storage for The Village?
  - *Wood*: We do have a snow storage calculation and it meets town code.
  - *Dahn*: It is hard to see, but there is light hatching to identify the snow storage.
  - *Wood*: It is dispersed throughout the project.
- What is a quasi-residential hotel?
  - *Dahn*: A hotel is a quasi-residential use.
- It appears in the room plans that there are just single rooms in the hotel?
  - *Wood*: There will be lock-offs where adjoining rooms could be combined.
- But no rooms with more than one bed?
  - *Wood*: No
- Where is the bus stop?
  - *Nishimori*: It is on the Henness Flats side so kids do not have to cross over. Part of that is due to the school district's requirement for bus drivers that they have to physically get out of the bus and act as the crossing guard.
- Does the commercial use include restaurant use or would it require additional permitting?
  - *Dahn*: That would require additional permitting. Any new use would have to go through a use permit or zoning clearance process. A restaurant would require a zoning clearance. A restaurant does have a higher parking requirement than retail, but a restaurant is an allowable use.
- What is a naturalized aspen grove?
  - *Wood*: The one person who could speak to that did not attend tonight. Our landscape architect has done a lot of mountain landscape architecture in Truckee and Mammoth. She is very familiar with plants that do well in the Truckee environment. I suppose it is clusters of aspens.
- Don't aspens require a lot of water?
  - *Wood*: I do not know the answer.
- When are the mitigation measures addressed?
  - *Dahn*: They are addressed when the building permits are pulled, and we would have to identify which ones are actually relevant to this project.

**Chair Zabriskie:**

- What you are proposing for affordable housing is different from what staff has included in the condition. What is the square footage and number of bedrooms for the loft units that you would like to have as affordable housing?
  - *Wood*: The lofts are 530-600 square foot in size and they are studio single bedroom units. We would be deed restricting 5 of those to moderate income housing levels. They are located in one of the three buildings to the north, though we have not identified which building.
- If you complied with staff condition, which includes a mix of two-bedroom and one-bedroom, which units would you be selecting in that situation?
  - *Wood*: We have five one-bedroom lofts up there. Our other four units are in the fourplex. Those are two-bedroom units in the 1,400 square foot range.
- Considering the staff condition which would require some combination of either three one-bedroom units and two two-bedroom units or three two-bedroom units and two one-bedroom units, where would those be located?
  - *Wood*: Our 3 buildings to the north do not have any two-bedroom units. The two-bedroom units would be located in the fourplex, and we would deed restrict all of those.
  - *Dahn*: Staff's recommendation is that the units in the 4plex would be deed restricted as proposed. Three of the two-bedroom units within the buildings along Edwin Way and three of the one-bedroom units within the northern buildings would be required to be deed restricted. The applicant is requesting that all of the deed restricted units in the commercial buildings are located only in the northern portion of the property.

- *Wood*: We could put the five units within the three buildings to the north. We don't have a problem with that. We wanted a combination of the one-bedroom lofts and the two-bedroom units within the fourplex. We thought those were the most appropriate ones. We could intersperse those among the three buildings in the north end so that we have affordable units in four different buildings.

**Commissioner Riley:**

- Disclosure: I serve as a design consultant for the Gray's Crossing Master Association.
- Are these going to be rental units or for-purchase units?
  - *Wood*: We have it set up as it could be either. We weren't exactly sure where the market would lead on that. The tentative map has it "condominiumized" so those units could be sold. It would still have to be based on the deed restrictions and sold at a moderate level.
- That would be to locals? And is there a parameter of time?
  - *Wood*: We agreed to comply with the development code.
  - *Dahn*: It does not specify a timeframe.
- So Planning Commission could specify a timeframe such as 99 years?
  - *Nishimori*: The specific plan does not specify a timeframe; it just has the generic 20% affordability requirement.
  - *Dahn*: The Development Code says in perpetuity but the Specific Plan does not say that. If there is no clarity, staff would interpret the time-frame as in perpetuity.
  - *Wood*: The original project did not have affordable housing included in The Village, and it was approved that way.

**Chair Zabriskie:**

- Do you know how many people are expected to be employed in the commercial establishments?
  - *Wood*: I think it is in the economic study but I cannot remember the number. 30 for the hotel.
- There is nothing in your proposal that would provide workforce housing for those people?
  - *Wood*: We are providing the 9 deed restricted units.
- The owner could sell off the different parcels that are created with the re-zoning, correct?
  - *Wood*: Nothing is being re-zoned. But once improvement plans are designed and a new final map is recorded, then those separate parcels could be sold off.
- How are you determining the amount that would be charged for one of the affordable units if it were a for-sale unit?
  - *Wood*: It is set up based on median income tables set up by the County. I believe a median income is at about \$78,000 right now.
- We're talking about moderate income going up to 120% of AMI, which would equate to \$88,000 annual income. Would you base the sales price of a unit on that income?
  - *Wood*: Potentially, but it looks more advantageous as a rental.
- Does the owner of the project believe he will be able to market a deed restricted parcel for sale or rent them out himself?
  - *Wood*: It probably costs more to build that unit than what you could sell it for. If he chose to sell it for a loss, he could potentially do it. More than likely, some of the deed restricted units could be in a rental pool at the moderate level.
- What assurance can you provide that the affordable units will actually be built?
  - *Wood*: They will be intermixed within the development. The structure is integral to the commercial space below it. There have been no specific phasing requirements, but our intention is to build in logical steps.
- So the imposition of a phasing requirement would not change your business plan?
  - *Wood*: We would want to know what the proposal is.
- A proportionate increase or some measure that requires that the affordable units are built out in step, proportionately to the larger development.



- *Wood*: Typically, their response on most projects in Truckee is a step by step approach.
- You're comfortable with having that?
  - *Wood*: We expected that we would have to construct affordable units as we went through the project.
- Is there anything in the conditions of approval that requires the applicant to make sure that the inclusionary housing is built proportionate to the rest of the development?
  - *Dahn*: Not currently.
- You would be fine with us adding that as a condition of approval?
  - *Wood*: We expected it. You don't want to see the whole project built out and have no affordable units completed.
- What was your understanding of what live/work means?
  - *Wood*: We don't recall any connection between the person above with the retail space below. I think staff defaulted to the current definition in the development code. And we think that would actually harm the project. I don't expect that 21 people would be business owners directly above their work space. That would prohibit businesses from having the opportunity to expand and take over two spaces. It becomes unmanageable. We would ask for some relief on that.
- Why did you originally choose the term live/work?
  - *Wood*: You could live there and you could work there, but not be required to.
- Can you describe what this project is doing to reduce greenhouse gases?
  - *Wood*: We did not have to do a greenhouse assessment because we had the EIR. In other projects, the greenhouse assessment showed that if you are close to a transit stop and have a good trail network, greenhouse gases are curbed. We have both of those elements. We will also have electric charging stations. Next year a lot of solar requirements go into effect, so I expect a majority of the buildings to have solar integrated.
- What are you doing over and above what is statutorily required?
  - *Wood*: I am going to defer to our mechanical engineer, Mark Schlosser.
  - *Schlosser*: We do carbon footprint analysis, energy retrofit, and evaluation. We have a holistic view on all of these things. There is a huge consideration of the appropriateness of individual measures. We take a broader approach. We live in Truckee and do this stuff for a living. There are lots of things to look at but I am hesitant to say specifically what we would do because we have not designed the buildings yet. Because we do live in Truckee and have a history of performance in this type of thing, we will not be skirting anything. We will do much better relative to other projects, and somewhat better relative to what is statutorily required.
  - *Wood*: Some mitigation measures originally put into EIR include a bicycle parking facility, allow for garages to have electric car re-charge outlets, outdoor outlets that allow for the use of electric landscape equipment, and require natural gas be allowed in residential backyards for gas barbecues.
- Are you comfortable with the sufficiency of the EIR given the passage of time?
  - *Wood*: We are, very much so. We were very involved with the EIR and looked at the environmental impacts in Gray's Crossing as a whole. We went through mitigation measures in great detail. A lot of good work went into the EIR.
- Did the EIR contemplate Coburn Crossing going in?
  - *Wood*: Absolutely. All of that was analyzed as part of the EIR. At the time, there was an approved project with a hotel component. It was basically a fully developed site in the eyes of the EIR.
- I believe you mentioned that traffic on 89 is not as bad as traffic elsewhere in town.
  - *Wood*: Being familiar with Truckee, I am aware that there are difficulties in the downtown area when trains come through. It is not often you have a project like this that is anchored by Caltrans approved two-lane roundabouts at both ends. Traffic moves pretty well at that end of town from a design perspective.

- I believe you said you would have no problem speaking with the HOA about architecture or parking.
  - *Wood:* We have a good relationship with the HOA. We can work with them on issues such as screening to make it a better project.
- Will Edwin Way be a private street that you would have to maintain?
  - *Wood:* I know right now it is private, but I am not sure if it will become public.
  - *Bucar:* It will be a privately maintained road.
- Has the school district approached you with any concerns about the school buses?
  - *Wood:* No.
- Have you reached out to the school district about safety concerns for school children?
  - *Wood:* We have not.
- Would you be willing to?
  - *Wood:* I am willing to speak with anyone to make a better project. However, we do not have a bus stop. Our project is not included in the route. From what I have heard from residents, the concern is the parking in front of the 92 units that are south of our project.
- I understood community members to be saying that additional traffic as a result of your project will affect bus loading or unloading?
  - *Wood:* This impacts a limited portion of the morning and it has to do with where the bus is parking. Something along the south right-of-way in front of Henness Flats could make that a better situation for where the bus parks.
- Why was the gas station moved down to the south end from the north end?
  - *Wood:* It makes sense to be at the south end as it would be close to where the traffic is coming from. And it is in keeping closer to the original location.

#### **Commissioner Tarnay:**

- Is there a reason the quad or fourplex was not on the shadow study?
  - *Wood:* It is possibly an oversight. We did have multiple versions as it went through staff.
- Was there any consideration of passive solar for any of these units?
  - *Schlosser:* We do quite a few passive solar analyses. We have one house in Truckee that isn't quite passive certified. This climate is restrictive mainly due to the nighttime lows. In order for passive solar to work, the temperature in that space needs to rise to an uncomfortable level at some point during the day without cooling it on purpose. There is a rub between comfort and the energy component. You can gain a benefit of 10 to 20%, but going beyond that is nearly impossible in this climate. There is a threshold we can approach and we know how to do it.
- Looking at the shadow study, it looks like most of the houses do not have direct sunlight. It did not look like passive solar had been addressed.
  - *DeMattei:* The shadow study was done for the winter solstice, which is a time of year when you wouldn't really be using a pool or the outdoor patio. I think if we were to do two shadow studies it would probably explain more.
- Does the pool have sun exposure?
  - *DeMattei:* I think during the summertime we will see a lot more exposure.
  - *Wood:* We retained a lot of the natural trees in this area, but we think the benefit outweighs on the solar orientation.
- Was there some overall calculation of the tree loss versus trees being re-planted?
  - *Wood:* There were a lot on both sides, adding and subtracting. We have a pretty big retention number, which is shown graphically.

#### **Commissioner Gove:**

- What can you tell me about the public outreach process?
  - *Wood:* We held a public outreach event at the recreation center, where more than 60 people attended. Most were educated on the history of the project. There were concerns, which you heard about tonight, including the school bus and the location

and inclusion of the gas station. We believe people overall liked the architecture and quality of the project.

- Given the amount of negative feedback on the gas station, have you given consideration to another use?
  - *Wood:* We have talked about it, and we think the gas station is the right use. The same arguments when it was originally approved still ring true. And the economic study identified the gas station as a need.

**Vice Chair Hall:**

- Why would you put residential on both sides of the gas station, and is that something you can change?
  - *Wood:* We moved the gas station an additional 200 feet north from the right-of-way creating a significant buffer between the Henness Flats project and the gas station. We nestled it in the trees so it has visibility from the roundabout, but it still has a good set back from the residential.
- Why wouldn't you have the gas station closer to the commercial uses?
  - *Wood:* Making people drive the extra half mile up and back did not make sense from our perspective.

**Commissioner Riley:**

- Why is what's being proposed almost 3 times what is included in the Specific Plan?
  - *Wood:* That is a standard size of gas stations. We held true to the four station, eight pump with a canopy. It will be similar in size to other gas stations in Truckee. We actually reduced the amount of retail we are providing in the overall project. We are still way under the amount of commercial that could have been integrated into the project.

**Vice Chair Hall:**

- I am struggling with the amount of parking outward facing to 89. Could you site the hotel differently to have a more attractive façade facing 89?
  - *Wood:* We have done multiple iterations of how the hotel could work. For the more linear parking to the south, there is actually a little bit of grading. One thing not shown in the site plan is that there are a lot of additional trees in the Caltrans right of way, so you won't see a lot of parking from 89.
- Do you have any visual simulations?
  - *Wood:* No simulations, just perspectives.

**Chair Zabriskie:**

- Can you tell me how approval of this application would affect repayment of the mello-roos debt?
  - *Dahn:* I can only speak in broad terms. Payment assessment of the Mello-Roos would increase when the parcel has been developed. It would not solve all of the Mello-Roos problems but it would help.

**Commissioner Riley:**

- Can you explain the shared parking requirement?
  - *Dahn:* The idea is that when there are different uses, there are different peak times. A hotel and a residential use may have similar peak times. A restaurant would see peak times during breakfast, lunch, and dinnertime. A retail use may see peak times in the evening after work hours. It depends on what actual uses go into these buildings. There is a section that allows the Planning Commission to require a parking study analysis if it so chooses.
- Given the changes in density for this project, would other project's desired densities be impacted by what we are discussing tonight?

- *Dahn*: The number staff feels should be used is 48 attached residential units. That would be applied across all of Gray's Crossing. There are 17 buildings that are already built and the applicant is proposing 28 attached units. That brings the total to 45 attached residential units. That would leave only 3 attached units to be built on parcel D and F. The Town is still going through an outreach process with our stakeholders group to determine the appropriate densities on parcels D and F for recommendation to the Planning Commission and Town Council. That would have to be a Specific Plan amendment and potentially additional environmental review.
- Are we putting the cart before the horse? Shouldn't we be talking about this holistically?
  - *Gatto*: You could argue that there is another way to approach this. However, we have an application in and it has been in for over two years. In order to provide the applicant team due process, this project has been brought forward tonight. We are open to future discussions with the applicant should they or the Commission wish to move in a different direction. Ultimately, they do have an application in that we have to make a decision on.

**Commissioner Tarnay:**

- I am concerned about safety. How deep will the drainage ponds get?
  - *Wood*: The depth of water does not exceed 2 feet and they will be designed with a safety slope.
- It does not appear that the landscape plan addresses bio swales.
  - *Wood*: Those would be located primarily at the north end between Edwin Way and the building at the corner. There is some opportunity there in the landscaping where we could take the roof drainage and do a shallow treatment method. Also, along the east side of the hotel, all of that generally pitches at a 2% slop towards the east. There will be openings at the back of curb that will allow the water to flow into the landscape. The idea is to allow for a long amount of contact time to promote infiltration, and we will be able to integrate that in with the landscape final plan.
- When you change from live/work to an attached unit, would we need 13 parking spaces in addition to the 247?
  - *Dahn*: I calculated 250 parking spaces total. 10 of those parking spaces would be allocated to the fourplex. There would be 240 parking spaces available. It would be 240 plus the 43 parking spaces for the attached units. I added the 43 to the entire parking demand for the whole project, which is 294 parking spaces. Then, I applied the 25% shared parking reduction, which comes to 253 parking spaces. If you decided to go this way, there would be 13 more parking spaces required. That would be they are getting a 25% reduction, instead of the 18% reduction that was previously proposed.
- On condition of approval #42, why are bear boxes not approved and trash rooms required to be integrated?
  - *Dahn*: The applicant is already proposing the trash rooms. We took out the bear boxes since it seemed unnecessary to have redundant trash receptacles. Bear boxes aren't necessarily built for our future regulations for trash carts. We also want to ensure that snow removal areas are as clear as possible.
  - *Nishimori*: Trash rooms are consistent with the Gray's Crossing single family homes. They do not have bear boxes either.

**Commissioner Riley:**

- With regards to the environmental analysis and the EIR, do you agree that Coburn Crossing was addressed?
  - *Gatto*: There was a settlement agreement that dates back to 1999 that incorporated approval of a hotel and some other retail and commercial uses. At the time the Specific Plan EIR was prepared, it would have looked at what was



allocated on that property given that there was a legally binding settlement agreement in place.

- Did that include 138 residential units?
  - *Dahn*: It was not specific to the Coburn Crossing project. We did not do exact calculations for that.
- I can't imagine the CHP use was considered in the EIR?
  - *Gatto*: While the CHP station was not envisioned in 2004, it is zoned for service commercial uses. The Gray's Crossing EIR would have looked at a use on that site commensurate to service commercial. As I understand it, the CHP is not currently directing the majority of the semis out to that location. They will still be out at the bug station and out by Union Mills. It will be pretty sporadic that large vehicles are directed to that location. They could be directed to that location though.
- The build out numbers for growth were very low. Could the Planning Commission require additional analysis as part of this process?
  - *Dahn*: For the 25% parking reduction, yes you could require a parking study. As for environmental review, if you find the project to be inconsistent with the Gray's Crossing Specific Plan, then that would be when additional environmental review would be required.

## PLANNING COMMISSION DELIBERATION

### Commissioner Riley:

I have overarching environmental review issues that, in my opinion, supersede the architecture site design, housing, the live/work, etc. I would like to see some revised environmental analysis done. It has been at least sixteen years since anything was done from an environmental standpoint. My main areas of concern are traffic, parking, public health and safety, jobs, and housing all related to CEQA. I drive the bypass a lot and it has been backed up to a dead stop to the roundabout. That signals an issue. We also have parking issues. I am hesitant to make a bad situation worse by approving the reduction in parking due to shared uses. I have issues with public health and safety since a student was hit in the roundabout and a truck flipped over as well. I think that while there have been benefits that came out of the roundabouts and infrastructure improvements, this area needs to be addressed before we look at additional development adjacent to Henness Flats, Frishman Hollow Phase II, and the other parcel in Gray's. The jobs/housing linkage needs to be considered and that is something the Commission is allowed to look at. The EIR did address that the Town of Truckee had a deficit of employee housing. I think additional analysis is warranted. Before we move on to other items, I would like to see where the rest of the Commission stands.

### Commissioner Tarnay:

I agree with much of what Nikki says. It is disappointing that the project falls short on our current expectations for workforce housing. If it were required to meet our current workforce housing, it would almost double the number of affordable units. I feel this project is vehicle centric. I am afraid that it will make the traffic problem worse. The current town homes have larger lawns than the original design in the Specific Plan which means more water usage. It seems to cater to a higher economic bracket aside from the nine affordable units. If the nine affordable units were meeting Town code and were being rented, they would have to meet low income standards not moderate income standards. I have concerns.

### Vice Chair Hall:

I think this is a good project and you have done a lot of hard work. There are a few areas that could use additional work. For me it is the visual piece on 89 and the siting for the gas station. I think you do mostly achieve that village feel on the northern part of the project, but I feel like that does degrade towards the southern portion. I know you have put a lot of work into that. My thought is that there may be a few additional studies needed.

**Commissioner Riley:**

I think some of the issues we may be struggling with are that this project was originally designed as a destination resort with the conference center, golf, and the amenities. There was a sense that people would stop and stay instead of a more highway commercial design or transient use. With that being said, I think you have done an amazing job. The architecture is beautiful, but the hotel and gas station feel more corporate. There are overarching issues.

**Commissioner Gove:**

I think that if the additional studies is something that the rest of the dais feels we need to do, then I would support that discussion. I feel like there was a disconnect with the gas station. The original vision for this village would be to create an amenity for the Gray's Crossing, Prosser, and even part of lower, eastern Tahoe Donner. The original approval having a small grocery store would lend itself to businesses coming in an offering a place to grab a cup of coffee or sandwich and visit with neighbors. The southern end of the project is more highway-centric and catering to the needs of the interstate over the needs of the community.

**Chair Zabriskie:**

I have pondered the gas station a great deal because so many people, particularly in Gray's Crossing, feel so strongly that the gas station would have a detrimental impact on traffic and safety. The deeper I dug, the more I felt the gas station is a good idea. People are going to stop for gas somewhere. A gas station at that location would be more accessible than people getting off at the same interchange and having to go down onto Bridge Street to the Beacon station, 76 station, or Fast Lane. It is closer than all of those other locations so it reduces the amount of travel. That roadway may appear crowded to many of us, including me at times, but it is actually less heavily used than just about all the other interchanges. It provides both quick access and quick return to the freeway. I thought the applicant did a good job of balancing visibility and attractiveness. In terms of safety, if there is a problem around the circle and intersections, we need to do something about it. Killing the gas station is an oblique way of trying to improve safety. The request for an additional EIR does concern me. Section 15183 is a streamlining process that contemplates some kind of analysis deeper than what was performed by staff, if only an analysis that says, "we've looked and we really don't see any change warranting further review." I'm not sure that was adequately covered, particularly given Commissioner Riley's comments regarding what should have been considered. In terms of the other conditions, I am inclined to go with the applicant on uncoupling the lofts from the businesses below. I am inclined to go with staff on the affordability requirement, the requirement that they include two-bedroom units.

*The Planning Commission asked questions of staff regarding the possibility of a continuance and the Commission's ability to require additional environmental studies. The Planning Commission discussed whether the project is consistent with the Gray's Crossing Specific Plan and further asked for guidance regarding CEQA section 15183.*

**Gatto:** We have extensively reviewed CEQA section 15183. Our recommendation to the Commission would be, if you do wish to have further environmental review, that you need to make a determination tonight that the project is inconsistent with the Gray's Crossing Specific Plan. 15183 specifically mandates that we do not conduct any additional environmental review on a project that is consistent with the underlying community plan. In order for 15183 not to apply to this project, the Commission would need to find that the project is inconsistent with the Specific Plan. In doing so, you would allow us to conduct subsequent environmental review. You could determine tonight what types of studies or information you would need.

**Nishimori:** We could continue this application and allow staff to present to you in a staff report format what section 15183 allows the Commission to discuss. We could also have the Town Attorney weigh in. The section is very specifically written under CEQA to



effectuate streamlining. One of the sections is very specific to finding consistency with the Specific Plan. It does not discuss revisiting the EIR. If you would like us to put that information in a staff report for you and you feel that would benefit this discussion, we could bring that back. Otherwise, our recommendation is to focus your conversation on whether the project is consistent with the Specific Plan.

*The Planning Commission conveyed support for a continuance to a future meeting date at which time staff would present additional information regarding CEQA section 15183.*

*Nishimori:* Should the Commission decide a continuation is appropriate, you would typically offer the applicant the opportunity to weigh in.

*Wood:* We are disappointed in not having a vote tonight. We think this is a worthy project that has been in the planning process for a long time, but we do understand the questions you are asking. If staff can put together something for you to further substantiate the large amount of environmental work that was done before and that the project is consistent, we would be agreeable to a continuance.

**A motion to continue the hearing to a future meeting, date and time uncertain, was made by Vice Chair Hall, seconded by Commissioner Gove, and carried the following vote:**

**Ayes:** Chair Zabriskie, Vice Chair Hall, and Commissioners Gove, Riley, and Tarnay  
**Noes:** None  
**Absent:** None  
**Abstain:** None

**The motion passed with a 5-0 vote.**

**8. STAFF REPORTS – None.**

**9. INFORMATION ITEMS**

**9.1 Upcoming Commission meetings and agenda items**

*Gatto:* For the August Planning Commission meeting, we will likely have the The Village at Gray's Crossing project back. A series of development code updates were originally scheduled for the August meeting, but those are now tentative at this point.

**10. COMMISSION MEMBER REPORTS**

**Commissioner Tarnay:**

I met with Town Engineer Dan Wilkins on June 21 to discuss bike lanes.

**11. ADJOURNMENT.** At 10:51 p.m. to the next meeting of the Planning Commission, Tuesday, August 20, 2019, 6:00 p.m. at 10183 Truckee Airport Road, Truckee, CA 96161.

Respectfully submitted,

Denyelle Nishimori,  
Community Development Director

By:



Julie Paping,  
Administrative Technician