

PLANNING COMMISSION RESOLUTION 2025-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF TRUCKEE RECOMMENDING APPROVAL OF AMENDMENTS TO THE TRUCKEE RAILYARD MIXED- USE DEVELOPMENT MASTER PLAN AND THE TAHOE TRUCKEE COMMUNITY FOUNDATION ZONING CLEARANCE

EXHIBIT “B”

RECOMMENDED TAHOE TRUCKEE COMMUNITY FOUNDATION ZONING CLEARANCE CONDITIONS OF APPROVAL

General Conditions of Approval

1. A Zoning Clearance to allow Tahoe Truckee Community Foundation, a “nonprofit office and gathering place” on the ground floor of the Artist Lofts (located at 9848 Donner Pass Road; APN 019-421-004), which includes a 2,054 s.f. gathering space, 440 s.f. facilitator’s bullpen, 968 s.f organizer’s office, and approximately 1,300 s.f. accessory outdoor seating area (30-person maximum occupancy) along the frontage of the space, is hereby approved as described in the March 18, 2025 Planning Commission staff report and [Town Council Meeting Date] Town Council staff report as shown on the site plan and floor plan approved by the Town Council on [Town Council Meeting Date] and on file in the Community Development Department except as modified by these conditions of approval. This approval is only for the use of the tenant space; the building, site, and other onsite uses are governed by other land use entitlements, including Planning Commission Resolution 2018-15. **(Planning Division Recommendation)**
2. The applicant is responsible for complying with all conditions of approval and providing evidence to the Community Development Director of compliance with the conditions. **(Planning Division Recommendation)**
3. A matrix or letter shall be submitted as part of building permit application indicating how each condition has been met. Review of building permits will not commence until an itemized list of conditions of approval and status is provided. As part of the matrix or letter, the applicant shall identify any changes made to the approved plan set design. **(Planning Division Recommendation)**
4. The effective date of approval shall be [Town Council Adoption Date]. In accordance with Section 18.84.050 of the Development Code, the Zoning Clearance shall be exercised within two (2) years of the effective date of approval, and the project shall be completed within four (4) years after the effective date of approval. Otherwise the approval shall become null and void unless an extension of time, in compliance with Section 18.84.055 (Time Extensions). **(Planning Division Recommendation)**
5. All future Time Extensions for this Zoning Clearance or amendments to this Zoning Clearance shall be reviewed by the Community Development Director, unless the Community Development Director refers the matter, without making a decision, to the Planning Commission so that the Commission may make the decision. **(Planning Division Recommendation, Development Code Section 18.70.030 Table 4-1 Review Authority)**

6. The Community Development Director may authorize minor alterations to the approved Zoning Clearance in accordance with Section 18.84.070(B)(1) of the Development Code, including a reduction in the size of the project. Major changes and alterations to the approved plans and conditions of approval shall be reviewed and approved through a formal Zoning Clearance Amendment in accordance with Section 18.84.070(B)(2) of the Development Code. **(Planning Division Recommendation)**
7. Except as modified by these conditions of approval, the project shall comply with all applicable provisions and standards of the Truckee Railyard Mixed-Use Development Master Plan (November 2016) and applicable sections of the Development Code (effective date November 16, 2016 as required by the Development Agreement).
8. Any fees due to the Town of Truckee for processing this project shall be paid to the Town within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted by this action. No permits or other actions authorized by this determination shall be permitted, authorized, or commenced until all outstanding fees are paid to the Town. **(Planning Division Recommendation)**
9. The applicant shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town to attack, set aside, void, or annul the approval of the Town Council, which action is brought within the time period provided for by State law. **(Planning Division, Town Attorney Recommendation)**
10. Prior to commencement of any work on the site, the applicant shall obtain building permit(s) for all work on the building(s) and site. Complete building plans and engineering in accordance with the current Town Building Code will be required for all structures. The building plans shall include details and elevations for all State of California, Title 24, and accessibility regulations. Please contact the Building Division at (530) 582-7821 to determine what permits are required. **(Building Division Recommendation)**
11. Prior to building permit issuance, the applicant shall demonstrate compliance with all conditions and requirements of the following agencies, including, but not limited to:
 - Town of Truckee Engineering Division
 - Town of Truckee Building Division
 - Truckee Donner Public Utility District
 - Truckee Sanitary District
 - Truckee Fire Protection District
 - Nevada County Department of Environmental Health
 - Tahoe Truckee Sierra Disposal Company
 - Southwest Gas **(Planning Division Recommendation)**
12. **Construction Hours:** Hours of operation of construction activities shall be limited to Monday through Saturday 7:00 AM to 9:00 PM and Sunday and any federally designated holidays 9:00 AM to 6:00 PM, unless the Community Development Director authorizes an extension

of the time limitations based on the finding that the noise levels from the construction activities will not negatively affect the residential uses in the surrounding area. If a noise complaint is received after the construction time limits are extended, the Community Development Director has the ability to render the extended time limits null and void and the applicant shall revert to the aforementioned hours of operation time limitations. Interior construction activities may occur after these hours if such activities will not result in exterior noise audible at property lines. Improvement, grading, and building plans shall note these limited hours of construction. Notice of the hours of construction shall be on the plan set prior to building permit issuance. ***(Planning Division Recommendation)***

Other Conditions of Approval

13. A maximum of 120 people or the maximum allowed Building Code occupancy, whichever is less, is allowed within the designated "Gathering Space" identified on the floor plans. Prior to building permit issuance, the final allowed occupancy shall be shown on the building permit plans for review and approval by the Planning Division, Building Division, and Truckee Fire Protection District. ***(Planning Division Recommendation)***
14. No additional parking spaces are required beyond the required parking identified in the underlying land use approval for the Artist Lofts (Planning Commission Resolution 2018-15). Twelve parking spaces allocated to the Artist Lofts' retail use from the Railyard Master Plan Parking Management Plan shared parking pool are allocated to the Truckee Tahoe Community Foundation. ***(Planning Division Recommendation)***
15. No exterior changes are proposed or approved as part of this Zoning Clearance. ***(Planning Division Recommendation)***
16. Signs: No new signs are proposed or approved as part of this approval. A Sign Plan application, consistent with the Development Code requirements for signs, shall be submitted for review and approval by the Planning Division prior to installation of any signage. The required Sign Plan review fee will be based on the Town of Truckee fee schedule in effect at the time the Sign Plan application is submitted. ***(Planning Division Recommendation)***
17. No temporary signage is approved with this project. Any future temporary signage shall be required to apply for a Temporary Sign Permit for review and approval. ***(Planning Division Recommendation)***
18. Noise: The project shall comply with the Town's Noise Ordinances (Chapters 9.20 and 18.44 of the Municipal Code). To ensure compliance with the use of the outdoor seating area shall be prohibited before 7:00 AM and after 10:00 PM and outdoor amplified noise shall be prohibited at all times. Outdoor amplified noise includes noise generated from the interior of the building that can be heard outside. Nonamplified noise shall require compliance with the Noise Ordinances. If ongoing verifiable complaints are received related to noise, then a noise study will be required to identify the maximum volumes and decibels allowed to ensure compliance with the noise standards. The noise study shall be conducted by an acoustical expert and shall test the indoor sound systems to determine the appropriate levels and configurations to comply with the Town's Noise Ordinance. The analysis should include review of the noise at or around the nearest residences under varying conditions such as with the windows/doors opened and closed, varying levels of volume and bass, etc. The acoustical expert shall create a report and recommendation list (including, but not limited to window/door openings, volume levels, orientation/modification of speakers) to ensure compliance with the Noise Ordinance to be reviewed by the Community Development

Director. The Community Development Director may require implementation of all or a portion of the recommendations to ensure compatibility with the neighborhood. ***(Planning Division Recommendation)***

19. Use of the outdoor community park on the second floor of the Artist Lofts for the “nonprofit office and gathering space” use is prohibited. ***(Planning Division Recommendation)***
20. All solid waste and recycling materials will be disposed of in compliance with State law. All solid waste and recycling materials areas will be well-maintained. ***(Planning Division Recommendation)***
21. No outdoor storage or display is approved as part of this project. ***(Planning Division Recommendation)***
22. Tenant improvement permits are required. Contact the Building Division to determine the appropriate permits. ***(Planning Division Recommendation)***
23. Outdoor seating: The outdoor seating area shall be located wholly on private property along the frontage of the “nonprofit office and gathering space.” The outdoor seating area shall be reviewed and approved by the Engineering Division to ensure compliance with the Truckee Railyard Streetscape Plan and requirements for access. The outdoor seating area shall be maintained by the tenant and/or property owner and shall only be used as an accessory to the primary “nonprofit office and gathering space” use. The outdoor seating area shall not be rented separately from the primary use and shall not be used for commercial purposes. No permanent outdoor seating fixtures are approved as part of this Zoning Clearance. If an outdoor dining permit process is created by the Town to allow use of the public right-of-way, the project may apply for the permit and shall be subject to the applicable requirements. Use of the public right-of-way is prohibited until and unless a permit is obtained from the Town. ***(Planning Division Recommendation)***
24. The project shall comply with all requirements of the California Department of Alcohol and Beverage Control, including requirements for fencing and licensing. ***(Planning Division Recommendation)***
25. All events shall be run or sponsored by a nonprofit organization. No commercial events are permitted. ***(Planning Division Recommendation)***

Other Agencies

26. The Truckee Donner Public Utility District will require payment of the appropriate Connection Fee and submittal of documentation to establish a billing account before water service will be provided. ***(TDPUD)***
27. Consumer Protection- Food and Beverage- Any proposed retail food/beverage sales/service shall be conducted in accordance with current California Retail Food Code (CRFC) Standards. Specifically, if caterers (defined in CRFC in Section 113739.1 and 113789) are brought on site to conduct food /beverage service operations, they shall be permitted to conduct said activity by NCDEH. A list of currently permitted caterers can be obtained by contacting NCDEH at env.health@nevadacountyca.gov. ***(Nevada County Department of Environmental Health - NCDEH)***

28. All other potential retail food (and beverage) operations shall be permitted (when applicable) by NCDEH including but not limited to community events (CRFC Section 113755) and temporary food facility (TFF) operators (CRFC Section 113930). Please contact env.health@nevadacountyca.gov for any questions regarding potential retail food/beverage operations and when a permit may be required. **(NCDEH)**
29. Hazardous Materials: The applicant and/or facility operator shall adhere to all applicable codes and regulations regarding the storage of hazardous materials and the generation of hazardous wastes set forth in California Health and Safety Code Section 25500 - 25519 and 25100 - 25258.2 including the electronic reporting requirement to the California Environmental Reporting System (CERS). CERS | California Environmental Reporting System. **(NCDEH)**
30. Solid Waste: The proposed project shall comply with applicable regulations which are enforced by Nevada County Department of Environmental Health (NCDEH) as the Local Enforcement Agency (LEA) pertaining to the storage and management of solid wastes (Title 14, California Code of Regulations (14 CCR), Title 27, California Code of Regulations (27 CCR) & Nevada County Code, Chapter IV, Article 8). All solid wastes shall be stored, collected, utilized, treated, processed, and disposed of in such a manner that a health hazard, public nuisance, or impairment of the environment shall be kept within State and local standards. **(NCDEH)**