

SUSANVILLE PLANNING COMMISSION
Regular Planning Commission Meeting Minutes
TUESDAY, JULY 12, 2022 – 5:30 PM

CALL TO ORDER: Commissioner Jambois calls meeting to order at 5:30 p.m.

Introduction of appointed Planning Commissioners: Westbrook, Merchant and Ardito.
Introduction of Alternates Heath and Bortle.

Dan Newton, City Administrator, explained there were three seats available, two four-year terms and a one-year term to fill a vacancy.

Ms. Westbrook and Mr. Merchant were selected to fill the four-year terms. Mr. Ardito was not able to take the seat tonight as further details need to be worked out.

Curtis Bortle and Rita Heath were chosen to serve as alternates, however, Ms. Heath declined.

ROLL CALL: Rod DeBoer, Melanie Westbrook, James Merchant, and Wayne Jambois.

1. APPROVAL OF AGENDA:

Moved by Rod DeBoer; seconded by James Merchant to approve agenda as submitted

Motion Carried: 4 - 0

Voting For: Rod DeBoer, James Merchant, Melanie Westbrook, and Wayne Jambois.

Voting Against: None

2. BUSINESS FROM THE FLOOR:

3. CONSENT ITEMS:

3.A Receive and file minutes of the April 26, 2022,
meeting Receive and file minutes of the April 26, 2022,
meeting

[P.C. 4.26.22 min..pdf](#)

Moved by Melanie Westbrook; seconded by James Merchant to approve minutes of the April 26, 2022 meeting.

Motion Carried: 4- 0

Voting For: Melanie Westbrook, James Merchant, Rod DeBoer, and Wayne Jambois

Voting Against: None

3.B Receive and file minutes of the May 24, 2022,
meeting.

[P.C. 5.24.222 minutes.pdf](#)

Moved by James Merchant; seconded by Melanie Westbrook to approve minutes of the May 24, 2022 meeting.

Motion Carried: 4- 0

Voting For: James Merchant, Melanie Westbrook, Rod DeBoer and Wayne Jambois.

Voting Against: None

4. PUBLIC HEARINGS:

4.A Continue discussion from May 24, 2022, to consider Resolution No. 22-1107 approving the issuance of a Nuisance Abatement Order for 2440 Main Street

At the request of Chair Jambois, Mr. Loflin gave an overview of the City nuisance abatement process. He explained the Commission is considering three nuisance abatement orders, which is governed by Chapter 8.32 of Susanville Municipal Code. These matters are issues that have come up in the community that are code enforcement in nature and through the process, staff has met some resistance or is a matter of greater concern than a standard code enforcement case.

The Commission makes a finding whether the conditions of the property constitute public nuisances pursuant to the Susanville Municipal Code, California Safety Code or any other State statute applicable to the matter. The Commission can make orders based on staff recommendations or its own deliberations. The orders set up a timeline a person has to come into compliance. If the nuisance is not abated within the prescribed time, staff can move forward with the abatement process.

The nuisance abatement order is the first process to allow the City to move forward in these proceedings. The Planning Commission can also assess civil penalties for a maximum of \$500 per day, for a maximum of \$10,000.

Public hearing opened at 5:40 p.m.

Mr. Loflin explained the matter was continued discussion from May 24, 2022, to consider Resolution 22-1107, approving the issuance of a Nuisance Abatement Order for 2440 Main St.

In August 2021, Code Enforcement staff started receiving reports of an unsecured building with known transient occupation. The building fronts Main Street and has been breached in the front and rear of the property. City staff conducted a building inspection on June 24, 2022, with permission from the property owner's legal counsel. There was evidence of transient occupation including warming fires. The building has been declared a substandard building pursuant to California Health and Safety Code 17920.3.

Mr. Loflin provided property details. Property owner is Central Hotel Trust, representative Sean Kojoori, and legal counsel is Michael Carter. Zoning information, and general plan designation. The case is not subject to CEQA review. A public hearing was to be held on May 24, 2022, but Mr. Kojoori's legal counsel requested an extension, and a 45-day extension was granted. A

timeline of public nuisance notices and conversations with Mr. Kojoori were provided as part of the report.

The building has been declared a substandard building. Mr. Loflin further explained staff has received additional information the property has been potentially gifted to Crossroads Ministries. He handed out updated draft orders and a resolution. A plan for the property must be provided within 60 days if the transfer does not go through.

Mr. Loflin presents exhibits A through J.

Vice Chair Westbrook asked if the process of transferring the property to Crossroads Ministries had been started.

Mr. Loflin responded nothing had been completed and that is why he was recommending a 60-day time limit to keep things moving forward.

Vice Chair Westbrook responded a quit claim deed can take two days. The property has been red tagged since 2017.

Mr. Loflin stated the Planning Commission can amend with a timeframe of not less than 10 days, per the code.

Chair Jambois opens public comment.

No comments given in favor or against the action.

The Commission holds general conversation regarding a shorter timeframe that transfer of the property be done within 14 days of the order.

Vice Chair Westbrook asked if the property is transferred, will it follow the property or owner.

Mr. Loflin responded that in this case, it will stay with Central Hotel Trust. If the transfer occurs, staff will show it as being complete and will work with Crossroads to come up with a timeline in moving things forward.

Public hearing closed at 5:58 p.m.

[Nuisance Abatement Order Staff Report - 2440 Main St.docx](#)

[Exhibit List 2440 Main St.pdf](#)

[Resolution 22-1107.docx](#)

Moved by Rod DeBoer; seconded by James Merchant to approve Resolution 22-1107 with the amended time frame.

Motion Carried: 4-0

Voting For: Rod DeBoer, James Merchant, Melanie Westbrook, and Wayne Jambois.

Voting Against: None

4.B Continue discussion from May 24, 2022, to consider Resolution No. 22-1108 approving the issuance of a Nuisance Abatement Order for 560 Hospital Lane

Public hearing opened at 5:58 p.m.

Mr. Loflin explained the matter was continuing from May 24, 2022, considering Resolution No. 22-1108 approving the issuance of a Nuisance Abatement Order at 560 Hospital Ln., the former Lassen Community Hospital site. The hospital closed in May 2003 when Banner Lassen Medical Center opened, and there has been no sustained use of the property. It has suffered 19 years of neglect and upkeep, while being subject to trespassing, theft, vandalism, and arson.

In December 2020, a structure fire destroyed the Annex building. A letter was sent to Central Hotel Trust, requesting the abatement of the fire damaged building. A demolition permit was issued on Oct. 2021, and it was not until notices were issued that the building was finally addressed and demolished.

Demolition of the one building will not bring the property into compliance as the old hospital and storage building remain. The old hospital building is exposed to the elements and every door and window has been removed or broken.

Mr. Loflin provided property details, and said he has been working with Mr. Kojoori, as the agent, and Mr. Smith, legal counsel. Surrounding zoning and land use, history of notices of public nuisances sent to the owner, and exhibits A through J including photos of the property were also part of his report.

Mr. Mumper added that staff conducted a site visit that morning and the annex building has been demolished.

Mr. Loflin provided the draft order and stated staff's recommendation is for Central Hotel Trust to provide a plan for the property within 45 days within issuance of this order. If the remaining buildings are to be demolished, the owner must secure a demolition permit within 60 days and work shall commence within 90 days. Demolition shall be completed within 120 days of this order. If the remaining buildings are to be rehabilitated, Central Hotel Trust shall provide the City of Susanville with engineered plans. The first compliance deadline is 11:59 p.m. Sept. 15, 2022. He is also requesting a civil assessment penalty to start effective July 12, 2022, of these orders. Maximum penalty shall be \$10,000.

The Commission held general discussion regarding why the 45-day extension was granted, when the penalty fees kick in and wanting to shorten the timeline.

Mr. Newton provided context on how dates are determined. The property owner doesn't necessarily have to demolish, but they do have to abate. If they were renovating a structure, then it effects the reasonableness of the timeline. When these abatement orders are going out, we don't know what the solution is at the time.

Chair Jambois asked if the building was salvageable.

Dow Davis, City of Susanville Building Official, said it is a modern, well-constructed building.

Jim McCarthy, public member, said Central Hotel Trust is causing the City of Susanville to subsidize their holding costs for this property. Every time the City rolls someone out there to check on it, it costs money. He would cut them zero slack.

No further comments provided for speaking for or against the nuisance abatement order.

The Commission approved changing the timeframe of notifying the City of plans for the building from 45 days to 10; securing a demolition permit from 60 to 30 days; work shall commence from 90 to 60 days; and if the building is demolished, it shall be completed in 90 days rather than 120 days.

Public hearing closed at 6:25 p.m.

[Nuisance Abatement Order Staff Report - 560 Hospital Lane.docx](#)

[Exhibit List 560 Hospital Ln.pdf](#)

[Resolution 22-1108.docx](#)

Moved by James Merchant; seconded by Melanie Westbrook to adopt Resolution 22-1108, as amended.

Motion Carried: 4- 0

Voting For: James Merchant, Melanie Westbrook, Rod DeBoer and Wayne Jambois

Voting Against: None

4.C Consider Resolution No. 22-1113 approving the issuance of a Nuisance Abatement Order for 1705 Main Street.

Public hearing opened at 6:28 p.m. Mr. Loflin explained the item is considering Resolution No.22-1113, approving the issuance of a nuisance abatement order for 1705 Main St. The condition of the Knight's Inn Motel has fallen into a state of disrepair that jeopardizes public safety personnel and the general public. It is also highly visible as it sits at the intersection of State Route 36, Main St., and State Route 139, Ash St. A red tag was issued and the City of Susanville has moved to declare the property to be a public nuisance.

The City of Susanville has been following the framework of Chapter 8.32 of the Susanville Municipal Code and has caused several notices to the property owner to correct these situations. Staff is seeking a nuisance abatement order to correct conditions of the property that are causing a public nuisance to exist.

Mr. Loflin explained the hotel, owned by Michelle Myung-Ok Kim, sits on two parcels equaling 34,700 square feet. He provided property details including zoning, general plan designation, and negative to a CEQA review. The motel was built in 1964. The current location has seen several additions and changes to the building and attached restaurant over time. The intended use of the property has shifted from a transient occupancy seen with motels, to a more long-term occupancy. Initially those rooms were located on the north end of the building, but now incorporates most of the property.

Several fires have occurred, first with the restaurant on Jan 11, 2011, and in the motel lobby on Dec. 17, 2021. No building permits have been issued. On Dec. 21, 2021, a vehicle struck the building impacting Room 119. The resident was only accommodated until after the City Planning and Building Department was made aware of the situation and red tagged the room in March 2022.

A case file was opened on March 11, 2022, after Susanville Police Officers voiced concerns about their safety due to the haphazard conditions of the motel, mainly the stairs leading to the second floor being tripping and fall hazards. A preliminary site inspection was conducted and multiple inoperable vehicles along with trash were scattered on the property. The second story deck is also failing, and it has a very noticeable slant.

Mr. Loflin continued the timeline for notices of violations, with the property being red tagged on July 5, 2022. He presented exhibits A through J, including case photographs. He stated the property looks better since staff's investigation, but the main concern is the structure, and it remains a public nuisance as the building is considered a dangerous building.

If the building is to be rehabilitated, engineered plans shall be provided to the Building Official. Rehabilitation shall commence within 60 days of the issuance of this order. If the motel is going to operate as a long-term residence, a Use Permit shall be secured through the Susanville Planning Commission. The owner must fully abate the public nuisance, and obtain all permits. October 15, 2022, is the compliance deadline, and staff is proposing a \$250 per day civil assessment for failure to comply with the maximum being \$10,000.

Vice Chair Westbrook asked about a timeline for submitting engineered plans and recommended having something submitted to the City within 30 days.

The Commission held general discussion regarding the timeline and amended Resolution No. 22-1113, that rehabilitation shall commence within 120 days. All property maintenance violations shall be addressed and are subject to a 30, 60, and 90-day review.

Mr. McCarthy commented this is the most highly visible intersection in the City of Susanville, it has suffered greatly, and we can't let it disintegrate.

Kevin Song, Mr. Kim's friend, described some health issues Mr. Kim had in May. Mr. Song continued that the junk cars and garbage have been removed, and the back door will be fixed. The restaurant needs to re-open. Mr. Song concluded if Mr. Kim is given a chance, he will fix everything.

Chair Jambois noted the inspection of the restaurant failed.

Mr. Loflin explained a previous building official failed it due to unpermitted work. Throughout staff's inspections there is still unpermitted work that is visible.

[Nuisance Abatement Order Staff Report - 1705 Main Street.docx](#)
[Exhibit List 1705 Main St.pdf](#)
[Resolution 22-1113.docx](#)

Moved by Melanie Westbrook; seconded by James Merchant to approve Resolution 22-1113 as amended.

Motion Carried: 4- 0

Voting For: Melanie Westbrook, James Merchant, Rod DeBoer, and Wayne Jambois

Voting Against: None

5. NEW BUSINESS:

5.A Consider appointment of Chair and Vice Chair

Moved by Rod DeBoer, seconded by James Merchant to appoint Melanie Westbrook as Chair.

Motion Carried: 4-0

Voting For: Rod Deboer, James Merchant, Melanie Westbrook, and Wayne Jambois.

Voting Against: None

Moved by Melanie Westbrook, seconded by Rod DeBoer to appoint James Merchant as Vice Chair.

Motion Carried: 4-0

Voting For: Melanie Westbrook, Rod DeBoer, James Merchant and Wayne Jambois.

Voting Against: None

6. CORRESPONDENCE: NONE

7. COUNTY REFERRALS: NONE

8. ADJOURNMENT: Motion by Rod DeBoer, seconded by Melanie Westbrook to adjourn at 7:12p.m.

Signed, Chair Wayne Jambois

Respectfully submitted by,

Ruth McElrath, Building Permit Technician

Heidi Whitlock, City Clerk

Approved On: August 23, 2022