SUSANVILLE PLANNING COMMISSION
Regular Planning Commission Meeting Minutes
TUESDAY, AUGUST 9, 2022 – 5:30 PM

CALL TO ORDER: Chair Westbrook calls meeting to order at 6:30 p.m.

ROLL CALL: Roll Call of Councilmembers Present: Rod DeBoer, Wayne Jambois, James Merchant, and Melanie Westbrook: Absent: Tony Ardito.

1. **APPROVAL OF AGENDA:** Moved by Wayne Jambois, seconded by James Merchant to approve agenda as submitted.
   Motion Carried: 4- 0
   Voting For: Wayne Jambois, James Merchant, Rod DeBoer and Melanie Westbrook.
   Voting Against: None

2. **BUSINESS FROM THE FLOOR:** None

3. **CONSENT ITEMS:**

   3.A Receive and file minutes of the June 28, 2022, meeting.

   P.C. 6.28.22 min. .pdf

   Moved by James Merchant; seconded by Wayne Jambois to approve June 28, 2022 meeting minutes.
   Motion Carried: 4- 0
   Voting For: James Merchant, Wayne Jambois, Rod DeBoer and Melanie Westbrook.
   Absent: Tony Ardito
   Voting Against: None

4. **PUBLIC HEARINGS:**

   4.A AR/UP#22-007, Best Western Hotel Approve Resolution No. 22-1114

   Public hearing opened at 5:32 p.m.

   Mr. Loflin, filling in for City Planner Kelly Mumper, explained the project is for Architectural Review/Use Permit 22-007. KRG Investments is proposing a three story, 64 unit Best Western Hotel that includes a swimming pool. The project site is zoned C-2 and has a land use designation of General Commercial/Shopping Center. Hotels area allowed in a C-2 district by first securing a Use Permit. Project site is 2755 Main St., with three assigned Assessors Parcel Numbers. The subject parcels total approximately 69,259 square feet for a total of 1.589 acres. A merger application shall be required if the project is approved. It is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15332.

Mr. Loflin summarized comments received from the City Building, Fire, Police and Public Works departments and landscaping, parking and off-street parking standards.

Caltrans requires an encroachment permit and an updated storm water/drainage report to be submitted to ensure on-site drainage is managed entirely to the proposed detention basin and away from the State drainage facilities. Mr. Loflin said the project engineer responded to the Caltrans comments in an email dated Aug. 3, 2022.

Mr. Loflin said property owners were notified within a 300-foot radius and no comments have been received.

If the Planning Commission offers favorable consideration to this application then staff recommends requiring conditions outlined in the adopting resolution.

Sean Malhi, of Malhi Motels, spoke in opposition of the project. He said they spend hundreds of thousands of dollars in tax money to the City. Their opinion is there is no need for another motel, and more units does not mean more taxes to the City. He suggested the Knight's Inn and Hotel Mt. Lassen be fixed up and making them daily operating motels.

He continued there is a foundation for 24 additional units at the SureStay, but there has not been a need to build. With the impending closure of California Correctional Center will be hard for the motels to stay afloat and stay in good condition. He said it is hard to find employees and with another motel it will be even harder. It’s not wise to add inventory to a market that is already shrinking.

Eileen Richard, a public member, commented about the zoning and stated C-2 is eligible for cannabis distribution. She asked if that is part of the purpose of this motel, to invite people to the area to partake of cannabis in the rooms.

Jim McCarthy, a public member, said he recently stayed in a Best Western and it is dependable and clean. He would be glad to see Best Western do something new in town.

Jeff Morrish, of NST Engineering and representing the client, said part of the parcel used to have a motel that was torn down. It is a vacant lot the client would love to make better. It is within the guidelines of the zoning, as well as bringing something new to the City.

Answering Ms. Richard's question, Commissioner DeBoer said, generally speaking, Best Western does not allow smoking, whether cigarettes, cannabis, cigars, or pipes.

Commissioner Jambois said KRG Investments probably did a lot of survey work of whether another motel in town will make it. His opinion is if they are moving forward on this project, they must feel their investment is going to pay off. He added he has stayed at many Best Western motels, and they are very clean. He thinks the project would be a good one for the City.

Vice Chair Merchant said he agreed with Commissioner Jambois. Addressing the comment that occupancy is low, when he drives down Main Street, the No Vacancy signs are all lit up.

The City will be benefit overall having another new building to entice people to stay and spend money here.
Public hearing closed at 5:56 p.m.

Best Western Staff Report.docx
Best Western Hotel Approving Resolution 22-1114.docx

Moved by Wayne Jambois; seconded by Rod DeBoer to approve AR/UP 22-007.
Motion Carried: 4-0.
Voting For: Wayne Jambois, Rod DeBoer, James Merchant, and Melanie Westbrook.
Voting Against: None
Absent: Tony Ardito

4.B Consider Resolution No. 22-1115 regarding the issuance of a Nuisance Abatement Order for 1409 Fourth Street

Motion to Approve Resolution No. 22-1115 regarding the issuance of a Nuisance Abatement Order for 1409 Fourth Street.

Public hearing opened at 5:56 p.m.

Mr. Loflin explained Code Enforcement is requesting a Nuisance Abatement Order for the property at 1409 Fourth St. It has been a nuisance to the neighborhood for approximately five years, with multiple complaints received from neighbors, while the Susanville Police Department logged more than 116 calls for service. The calls surpass the average number of contacts the average individual would have and the source of complaints range form nuisance activities by the residence, animals kept on the property and property maintenance standards.

The City has moved to declare the property a public nuisance and is following the Chapter 8.32 of the Susanville Municipal Code to address the public nuisances within the City limits.

As part of his presentation, Mr. Loflin gave an overview of the property, identified the owner as John Murray, and provided lot size and zoning information. He summarized the complaints received by the neighbors, and provided a timeline of notices of violation, public nuisances, issuance of a red tag and notice of intention to abate. The building has been declared a substandard building, which is a dangerous building, and therefore a public nuisance.

Mr. Loflin continued that electricity was disconnected, and the lack of lighting, general dilapidation, lack of garbage storage and removal, unpermitted and poorly constructed porch roof additions, and insufficient framing additions to the back porch and flammable material in the backyard contribute to a substandard building. He also gave an overview of Susanville Municipal Code 8.32.050, which further defines conditions that can be declared a public nuisance.

The Planning Commission is being asked to issue an abatement order that would allow the City of Susanville to move forward to force compliance upon the property owner to clean up the property. In the failure to do so, the City could find someone to abate the property, or the City can abate it, Mr. Loflin explained.

He presented Exhibits A through J and summarized the draft abatement order.

In conclusion, Mr. Loflin said Mr. Murray has had numerous opportunities to abate these issues and we continue having non-compliance. He is requesting an addition that Mr. Murray is the one actively working on the property, and he cannot allow other people on the premises if he is not there.

Commissioner DeBoer said licensed contractors should be allowed on the property.

Mr. Loflin agreed.

Jackie Jones, a neighbor, spoke in favor of the nuisance abatement. She said her backyard backs up to 1409 Fourth St. and she has called the cops about 200 to 300 times. People are living in the backyard, and she alleged they have broken into her garage, tried to come into her house and stole items out of her yard. She added there are 16 dogs in the backyard and the owner cannot control them. They are vicious and have tried to rush her.

Pat Holley, a neighbor, said it has been a 5-year nightmare and they just want peaceful enjoyment of their property. He alleged the owner is renting rooms without rental agreements, people come in all hours of the night and disturb the dogs and they howl around the clock. He said neighbors have tried working with the owner, but he keeps allowing people in.

Mr. Holley requested the Commission not allow any dogs on the property and strengthen the order.

Tom Dressel, a neighbor, said whenever they are outside, they get serenaded with yelling and cussing. It is a total nuisance the way he is running the place.

Carson Fleming, a neighbor, stated he works for Calfire and when he his gone, his mom goes to his house to water, and he does not feel she is safe by herself. He continued the dogs can jump the fence, it is near a school and it's only a matter of time before a dog kills a child. He said the owner is not taking it seriously, he has not left, and people are still there ever since the red tag went up.

Citing the proposed Resolution language that there shall not any other violations of the Susanville Municipal Code, Chair Westbrook asked what would happen of the owner did have a violation.

Mr. Loflin responded if there are any other violations of the municipal code, he will skip the notice of public nuisance, the notice of violation and go straight to an administrative citation. He could also take it the criminal route and issue a notice to appear in the Lassen Superior Court.

Mr. Holley said it would help if they could get a statement that tenants need a rental agreement and again asked for no dogs.

Mr. Loflin responded he has reservations, as these proceedings are administrative nuisance abatements and staff is limited to lower-level things. Mr. Holley's suggestions are more toward a civil injunction, which would be the next step. If there is failure to comply with the

current administrative nuisance abatement order, then staff can ask the city attorney to file an injunction through the courts and ask for further things that a judge would have to order.

Ms. Jones asked how long the process would take.

Mr. Loflin responded, while he can empathize, when it gets into the civil realm it is based on how backed up the courts are and when it can be scheduled with a judge. He will also have to compile a case the attorney will be comfortable taking before a judge. He said it is not an ending to a matter, it's just another cog in the process.

Rudy Valentine, public member, said something needs to be done now.

Mr. Holley said he believes they will have to go the criminal route as the owner will not show for civil court.

Dan Newton, City Administrator, said the City will exercise as much authority as it can to resolve the matter. The Planning Commission has a role in this process tonight that will allow staff to move forward, as expeditiously as possible, with the other alternatives.

Commissioner Merchant spoke in favor of tightening up the timeline as it has been an ongoing matter.

Mr. Loflin said the code is no less than 10 days and it is the pleasure of the Commission to exercise that right to find what is reasonable.

Mr. Newton addressed what is considered reasonable. and added the dog issue is a tremendous concern from his perspective. If there are too many dogs, the City can remove a certain number, but at the City's costs. One of the concerns the City must rectify is using public funds. He asked if the abatement order specifically addresses no dogs on the property.

Mr. Loflin responded dogs are not allowed while the property is red tagged.

Commissioner Merchant said he would like to see the resolution amended to say not less than 10 days, for items 3, 4 and 5.

Exhibit List 1409 Fourth Street.pdf
Nuisance Abatement Order Staff Report - 1409 Fourth St.docx
Resolution 22-1115 .docx

Moved by James Merchant; seconded by Rod DeBoer to approve Resolution No. 22-116 as amended.
Motion Carried: 4- 0
Voting For: James Merchant, Rod DeBoer, Wayne Jambois and, Melanie Westbrook
Voting Against: None
Absent: Tony Ardito

4.C Consider Resolution No. 22-1116 regarding Amendment #2 to the Nuisance Abatement Order issued at 201 Alexander Avenue

Motion to approve Resolution No. 22-1116 approving the addition of Amendment #2 to the Nuisance Abatement Order issued for 201 Alexander Avenue.

Mr. Loflin summarized the Planning Commission authorized the issuance of a Nuisance Abatement Order for 201 Alexander on May 12, 2022. Order #3, stated that "Richard Munoz must obtain any and all required permits that may be required to abate the public nuisance at 201 Alexander Avenue"

Mr. Loflin explained that on or about June 25, 2022, he observed heavy equipment on the property and portions of the residential structure had to be knocked down. On July 1, 2022, he followed up and observed the residential structure and the accessory structure had been demolished without securing a demolition permit.

Due to work being done without the necessary permits, it constitutes a violation of Nuisance Abatement Order and would trigger the assessment of the Civil Assessment Penalty in the amount of $10,000. The Susanville Planning Commission, tasked as the hearing board, will consider the alleged violation of the Nuisance Abatement Order and whether the assessment of the Civil Assessment Penalty is warranted.

He confirmed the property has closed and transferred to new owners. In the interest of justice, Mr. Loflin said his recommendation is suspending the civil assessment against Mr. Munoz. His son said they were unaware work was being done, and they were still in escrow at the time.

Mr. Valentine and Simon Taylor had interest in the property and shall be added to the order.

Chair Westbrook asked if both Mr. Taylor and Mr. Valentine were legal owners.

Mr. Loflin confirmed they were.

Mr. Loflin said they shall stop work until a demo permit is obtained. If a permit is obtained, subject to the double permit fee, then work may resume on the property. If this does occur, the $10,000 penalty shall not be assessed. The violation will be recorded, and this will be used as educational moment, a warning. In the big picture, staff just wants the structure removed.

Rudy Valentine, property owner, said he was trying to do weed abatement on the property, and Mr. Taylor knocked down a few walls on the structure. He is trying to clean up Susanville, and the City is coming at him for $10,000.

He added he has spent thousands of dollars to help the community, and to watch the process is frustrating.

Chair Westbrook said the point is not to enforce the $10,000 fine. If he gets permits, there was not going to be further issues. She added Mr. Loflin has done more work in the past year and he is trying to do a job, too.

Mr. McCarthy, public member, said Mr. Valentine has been an asset to the community and he suggests waiving all fees, including the demolition fees.

Mr. Newton responded he understands Mr. Valentine's frustrations. If work is started without a permit in place, a double penalty is assessed per the Code, however, the Building Official can use his discretion, and that would be an option. The permit fee cannot be waived, the City Council can, however, he would not recommend that as it would create a slippery slope when it comes to fees. He would support the Commission staying silent on the double permit fee and leaving it at the staff level.

Mr. Merchant said he was leaning to leave the fees to the Building Official. Mr. Valentine has done a lot of work.

Mr. Newton acknowledged Mr. Loflin's work, and he is working with antiquated code. The City has not had a dedicated code enforcement officer so there are going to be some growing pains, and this is an example of that.

Mr. Valentine questioned the homeless encampments.

Mr. Newton responded enforcement is more of a law enforcement issue. It is something the City is wrestling with because there is case law that says if you enforce a camping ordinance you have to have someplace for them to go, which the City does not currently have.

Planning Commission Resolution 22-1116.docx
201 Alexander Violation Notice.pdf
Nuisance Abatement Order 201 Alexander Ave Draft Amend2.doc

Moved by James Merchant; seconded by Rod DeBoer to approve Resolution 22-1116 as amended to omit the double permit fee.
Motion Carried: 4-0
Voting For: James Merchant, Rod DeBoer, Wayne Jambois and Melanie Westbrook.
Voting Against: None
Absent: Tony Ardito

5. NEW BUSINESS:

5.A Consider Resolution No. 22-1117 approving the issuance of a Notice of Compliance for 1540 Main Street
Motion to approve Resolution No. 22-1117 approving the issuance of a Notice of Compliance for 1540 Main Street

Mr. Loflin explained that pursuant to Susanville Municipal Code 8.32.320, the abatement of a public nuisance at 1540 Main St. has been achieved and the enforcement official has determined the conditions and orders of the Nuisance Abatement Order have been complied with as of May 1, 2022.

The subject property shall remain under the jurisdiction of the Susanville Planning Commission until April 26, 2021. If the enforcement official determines the same or another nuisance exists with respect to this building, a notice to abate shall be provided to the property owner. The City does not need to return to the Planning Commission for failure to comply and

shall proceed with the abatement of the nuisance without further action of the Planning Commission.

Planning Commission Resolution 22-1117.docx

Moved by Rod DeBoer; seconded by James Merchant to approve Resolution 22-1117.
Motion Carried: 4-0
Voting For: Rod DeBoer, James Merchant, Wayne Jambois and Melanie Westbrook
Voting Against: None
Absent: Tony Ardito

5.B Consider Resolution No. 22-1118 approving the issuance of a Notice of Compliance for 2440 Main Street
Motion to approve Resolution No. 22-1118 approving the issuance of a Notice of Compliance for 2440 Main Street.

Mr. Loflin explained if Central Hotel Trust transferred the property to Spare A Dime, Crossroads, it would have to be done within 14 days of the issuance of the order, which was issued July 12, 2022. He received confirmation on July 26, 2022, that a quitclaim deed had been filed, and recorded, transferring the property.

He explained a motion to approve would rescind the Nuisance Abatement Order issued for 2440 Main Street. Crossroads has already been in contact with the City in looking at necessary permits and has plans to put the necessary work into the building. The building will be on code enforcement's radar, and if there are any further violations they will be addressed at those times. It does not show we are completely closing the file, just rescind the order, but monitor the situation.

Chair Westbrook asked because it transferred ownership, is it no longer a substandard building.

Mr. Loflin said it still will be a substandard building, but he is using his discretion to rescind the order, make the improvements and brining the building into compliance. If he feels he is not getting compliance, or it is taking too long, he will bring it back to the Commission for a nuisance abatement order.

There was discussion regarding the timeframe of getting compliance and pulling permits.

Planning Commission Resolution 22-1118.docx

Moved by Rod DeBoer; seconded by James Merchant to approve Resolution 22-1118.
Motion Carried: 4- 0
Voting For: Rod DeBoer, James Merchant, Wayne Jambois and Melanie Westbrook.
Voting Against: None
Absent: Tony Ardito

5.C Nuisance Abatement Order Update
Discussion Only.

Mr. Loflin provided a Nuisance Abatement Order on nineteen properties. Out of those properties, Mr. Loflin said three properties are now No Compliance; one property is abated; one is entering probate; one is getting worse; two separate property owners are declining responsibility, and one house is currently being demolished.

He expected to tentatively bring four graffiti abatement hearings at the Aug. 23, 2022, meeting, but he believes two may have been abated that day.

He has another nuisance abatement order in the works for September.

6. CORRESPONDENCE: NONE

7. COUNTY REFERRALS: NONE

Vice Chair Merchant asked about the status of 560 Hospital Ln., and if they were going to continue doing the work that needs to be done.

Mr. Loflin responded he heard the attorney is finding investors or others to take care over the property, and they are trying to work toward compliance.

8. **ADJOURNMENT:** Meeting adjourned at 7:27 p.m.

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Signed, Chair Wayne Jambois

Respectfully submitted by,

_____
Ruth McElrath, Building Permit Technician

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Heidi Whitlock, City Clerk Approved On: August 23, 2022