

SUSANVILLE PLANNING COMMISSION
Regular Planning Commission Meeting Minutes
TUESDAY, JUNE 13, 2023 – 5:30 PM

Meeting called to order at 5:30 p.m. by Chair Westbrook

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

1. APPROVAL OF AGENDA:

Moved by Rod DeBoer; seconded by Tony Ardito to approve agenda as submitted

Motion Carried: 5-0

Voting For: DeBoer, Ardito, Jambois, Merchant, and Westbrook

Voting Against: None

2. BUSINESS FROM THE FLOOR:

Bill Tezak, public member, stated there are several agenda items pertaining to him and asked if the proceeding was formal or informal.

Chair Westbrook advised the Commission does not comment on business from the floor.

Mayor Quincy McCourt, public member, stated the City is continuing into the Code Enforcement realm. It has agreed upon a standard and is chipping away at that. His message to the community and the team is to take code enforcement seriously and the time to take care of your property is now.

Chris Sullivan, Lassen County Arts Council Board President, commented that code enforcement has helped quite a bit, but they struggle with the neighbors. They have spent more than \$3,000 on security, cameras, doors, etc.

Laura Medvin, Lassen County Arts Council office manager, commented about the ongoing issues. She hopes action will be taken and stated it's tough on non-profit organizations.

3. CONSENT ITEMS:

3.A Receive and file minutes of the May 23, 2023, meeting.

[P.C. 5.23.23 min.pdf](#)

Moved by Rod DeBoer; seconded by James Merchant to approve the May 23, 2023, meeting minutes.

Motion Carried: 5-0

Voting For: DeBoer, Merchant, Ardito, Jambois and Westbrook

Voting Against: None

4. PUBLIC HEARINGS:

4.A Conduct Public Hearing on AV2023-006 and Consider **Resolution No. 23-1144** ordering the abatement and removal of an inoperable 2004 Hyundai Sonata GLS from 316 Pardee Avenue Conduct Public Hearing and provide a motion to approve **Resolution No. 23-1144** determining ordering the abatement and removal of an inoperable 2004 Hyundai Sonata GLS from 316 Pardee Avenue.

Public hearing opened at 5:40 p.m.

Mr. Loflin summarized the item, and explained it was first on the agenda at a previous meeting, but due to lack of a quorum it was moved to this meeting. The owner requested an appeal and since this time, two vehicles were abated, but the Hyundai remains on the property.

Mr. Tezak commented that registration is a state requirement, not a personal requirement related to land use.

Mr. McCourt advised staff to stay vigilant. It is a challenging time because we are enforcing code and people want to get away with things.

Public hearing closed at 5:48 p.m.

The Commission and staff held discussion regarding how many complaints have been received and the necessity of removing the vehicles.

[PC 23-1144 Resolution](#)

[Abandoned Vehicle Abatement Order AV2023-006](#)

Moved by Wayne Jambois, seconded by Rod DeBoer to approve Resolution 23-1144.

Motion: 5-0

Voting For: Jambois, DeBoer, Ardito, Merchant and Westbrook

Voting Against: None

4.B Conduct Public Hearing on CE2023-0045 and Consider **Resolution No. 23-1151** approving the issuance of Nuisance Abatement Order NA2023-006 and ordering the property owner of 316 Pardee Avenue to abate nuisance conditions.

Motion to approve Resolution No. 23-1151 approving the issuance of Nuisance Abatement Order NA2023-006 and ordering the property owner of 316 Pardee Avenue to abate nuisance conditions.

Public Hearing opened at 5:52 p.m.

Mr. Loflin explained the property owner, Faylon O'Donnell, requested accommodation to provide additional time of more than 30 days to finish the abatement. At staff level, he can only go up to 30 days without authorization. Mr. O'Donnell asked the matter to be brought to the Commission. Mr. Loflin felt that is a reasonable request and accommodated that.

Mr. Loflin further summarized the conditions of the property.

Bill Tezak, public member, stated there were no facts whether an abatement was started or if the property owner was notified and continued commenting about the nuisance abatement process.

Mr. McCourt voiced his support for the Commission and staff and asked the community to do better and not make excuses.

Public hearing closed at 6:04 p.m.

Vice Chair Merchant commented on the matter and said he would request to amend the resolution for the full 30 days, rather than the 13 days.

[Nuisance Abatement Order NA2023-006](#)

Moved by James Merchant; seconded by Tony Ardito to approve Resolution 23-1151 and amend the order for 30 days.

Motion Carried: 5-0

Voting For: Merchant, Ardito, DeBoer, Jambois, and Westbrook

Voting Against: None

- 4.C Conduct Public Hearing on CE2023-045 and Consider **Resolution No. 23-1152** approving the issuance of a Dangerous Building Abatement Order DB2023-001 for a fire damaged garage at 316 Pardee Avenue.

Motion to approve **Resolution No. 23-1152** approving the issuance of a Dangerous Building Abatement Order for a fire damaged garage at 316 Pardee Avenue.

Public hearing opened at 6:11 p.m.

Mr. Loflin summarized the matter and explained what is determined to be a dangerous building.

He explained that on May 18, 2023, a request for an appeal for a notice of violation was received by property owner Faylon O'Donnell. The appeal is timely and was received prior to the compliance deadline of May 22, 2023.

Based on the damage received during a fire, the recommendation is demolition of the structure.

Mr. Tezak read into record what a nuisance is based on California Code 3479.

Mayor McCourt said he is here to support the Commission and staff and encouraged community members to clean up their stuff.

Public hearing closed at 6:24 p.m.

There was general discussion regarding the timeline for why nothing has been done to the property.

Vice Chair Merchant commented they try to be lenient where they can, achieving the results we are trying to achieve, and trying to work with an individual within that capacity. He noted

the Resolution language stating 30 days to obtain a permit and 60 days to complete the work and that is more than generous.

Moved by Rod DeBoer, seconded by James Merchant to approve Resolution 23-1152 and amend the order for 30 days.

Motion Carried: 5-0

Voting For: Merchant, Ardito, DeBoer, Jambois, and Westbrook

Voting Against: None

[PC 23-1152 Resolution](#)

[Dangerous Building Abatement Order DB2023-001](#)

- 4.D Conduct Public Hearing on AH2023-001 and Consider **Resolution No. 23-1145** providing a recommendation of the Susanville Planning Commission to the Susanville City Council regarding the issuance of administrative citations against the property owners of 105 Russell Avenue.

Motion to approve Resolution No. 23-1145 providing a recommendation of the Susanville Planning Commission to the Susanville City Council regarding the issuance of Administrative Citations against the property owners of 105 Russell Avenue.

Public hearing opened at 6:28 p.m.

Mr. Loflin explained three administrative citations were issued for violations of the Susanville Municipal Code. There are two parcels associated with the case and are owned in partnership with Tezak Family Trust and the Marino Living Trust.

Frank Marino, trustee of the Marino Family Trust, submitted an appeal hearing to deny responsibility for the alleged violations. No response was received by the Tezak Family Trust. This will be a recommendation to the City Council who will make a recommendation whether to uphold or reject the citations.

Mr. Loflin summarized the citations against the property.

Mr. Tezak said he is the beneficial owner, agent, power of attorney, etc. He said David Tezak is not the trustee. He has been the one handling the workers that have been abating the nuisance. The property did not rise to the level of a public nuisance. He addressed each abatement.

He added he never received any notices and was not entitled to due process. There was discussion with staff regarding where the notices were sent.

Mr. Tezak addressed the administrative citations, said the property is being abated and submitted written argument to the Commission.

Mr. Loflin added to the record that Mr. Tezak is not an attorney, nor has he been admitted to the bar.

Jill Robbins, attorney and public member, shared her previous law office is located next to one of Mr. Tezak's offices and her new office at 800 Main St. is also located next to Mr.

Tezak's properties. She thanked Mr. Loflin as it has been an ongoing frustration since 2020. Finally, maybe, we will see some progress here.

She continued that she is a certified specialist in trust and estates. The property owner is the one with the lawful right to own and occupy the property and can determine who occupies the property. Her concern is, are we dealing with the lawful owner? She has never heard of a beneficial owner controlling the property, unless they are also the trustee. Possession is not ownership. She would like to see where the legal rights are. She concluded that items from 105 Russell have been moved to her neighboring property and we are seeing a shuffle of assets.

Debbie Marino, co-owner of the house and orchard at 105 Russell St., provided history of the co-ownership. Since the death of Wayne Tezak in 2019, Bill Tezak was given permission to manage his mother's half of the properties. Without their knowledge and consent he has misrepresented himself, mis-managed and misused and allowed the property to deteriorate to its current condition. For the last two years they have been denied access to the property.

Mayor McCourt stated the Marino's are the hardest working, well-respected people in the community.

Public hearing closed at 6:54 p.m.

The Commission and staff held a general discussion regarding the decision and zoning of the property.

Motion by Rod DeBoer, seconded by Tony Ardito, to approve Resolution 23-1145.

[PC 23-1145 Resolution](#)

Moved by Rod DeBoer, seconded by Tony Ardito to approve Resolution 23-1145

Motion Carried: 5-0

Voting For: DeBoer, Ardito, Jambois, Merchant and Westbrook

Voting Against: None

- 4.E Conduct Public Hearing on CE2023-015 and Consider **Resolution No. 23-1146** approving the issuance of Nuisance Abatement Order NA2023-001 and ordering the property owner of 713 Cottage Street to abate nuisance conditions.

Motion to Approve Resolution No. 23-1146 approving the issuance of Nuisance Abatement Order NA2023-001 and ordering the property owner of 713 Cottage Street to abate nuisance conditions.

Public hearing opened at 6:59 p.m.

Mr. Loflin stated multiple complaints have been received regarding the property. Once we almost get compliance, it balloons back to being a nuisance. He further summarized the notice of violations and recommended the nuisance abatement order be for no less than 10 days to bring the property into compliance.

There was discussion regarding past decisions on the property. Mr. Loflin explained they were mainly administrative citations in which Mr. Tezak applied for a written appeal. There were 11 citations, eight recommended to be upheld and three were cancelled. The fines have become delinquent. Staff will be bringing them forward for a cost recovery hearing and liens will be placed on property based on those fines.

Mr. Tezak said most of Mr. Loflin's presentation is a lie and the family trust has been targeted due to federal lawsuits he has brought forward against City employees. He addressed each notice of violation.

He stated that the vehicles on the property are going through restoration or repairs, so it's a parking lot.

Mr. Loflin commented that the California DMV requires occupational licensing if a person fixes more than three cars or are being dismantled. Neither has been obtained.

Mr. Mumper added Uptown Business District zoning does not allow for any vehicle repair, even with a Use Permit.

Randy Robbins, owner of 815 Cottage and 800 Main St., commented they did a remodel and had no issues with the City. Going back and forth between properties, he sees Mr. Tezak's tenants moving through the properties.

Mr. McCourt commented that the community wants code enforcement and voiced his support to staff. If people cleaned up their property, they wouldn't be making work for the hardworking staff.

Ms. Robbins said they love Susanville and want to make it better. She would love it if the Tezak family trust would get on board with that mission. In 2019, all properties were clean and rented by reputable people, and it has just declined.

Public hearing closed at 7:28 p.m.

Vice Chair Merchant commented about the issue.

Moved by Tony Ardito, seconded by Rod DeBoer to approve Resolution 23-1146.

Motion Carried: 5-0

Voting For: Ardito, DeBoer, Jambois, Merchant and Westbrook

Voting Against: None

[PC 23-1146 Resolution](#)

[Nuisance Abatement Order NA2023-001](#)

- 4.F Conduct Public Hearing on CE2023-017 and Consider **Resolution No. 23-1147** approving the issuance of Nuisance Abatement Order NA2023-002 and ordering the property owner of 811 Cottage Street to abate nuisance conditions.

Motion to Approve Resolution No. 23-1147 approving the issuance of Nuisance Abatement Order NA2023-002 and ordering the property owner of 811 Cottage Street to abate nuisance conditions.

Public hearing opened at 7:31 p.m.

Mr. Loflin summarized the matter and outlined each notice of violation.

Mr. Tezak addressed each notice of violation.

Ms. Robbins encouraged Mr. Tezak to beautify the property. She added he abated the property in April and thanked him for it. However, there have been continuous problems with the tenants.

Mr. Robbins also commented about further issues they had with the tenants.

Mayor McCourt voiced his support for staff and the Commission.

Jim McCarthy commented that he has been educated on public nuisances.

Public hearing closed at 7:58 p.m.

[PC 23-1147 Resolution](#)
[Nuisance Abatement Order NA2023-002](#)

Moved by Wayne Jambois, seconded by Rod DeBoer to approve Resolution 23-1147.

Motion Carried: 5-0

Voting For: Jambois, DeBoer, Ardito, Merchant and Westbrook

Voting Against: None

- 4.G Conduct Public Hearing on CE2023-018 and Consider **Resolution No. 23-1148** approving the issuance of Nuisance Abatement Order NA2023-003 and ordering the property owner of 105 Russell Avenue to abate nuisance conditions.

Motion to Approve Resolution No. 23-1148 approving the issuance of Nuisance Abatement Order NA2023-003 and ordering the property owner of 105 Russell Avenue to abate nuisance conditions.

Public hearing opened at 7:59 p.m.

Mr. Loflin summarized the matter and violations on the property.

Mr. Tezak commented on the matter and addressed the notice of violations. He explained abatement measures that have already been done.

Mayor McCourt states he supports staffs' efforts.

Public hearing close at 8:18 p.m.

[PC 23-1148 Resolution](#)
[Nuisance Abatement Order NA2023-003](#)

Moved by Rod DeBoer, seconded by James Merchant to approve Resolution 23-1148.

Motion Carried: 5-0

Voting For: DeBoer, Merchant, Ardito, Jambois and Westbrook

Voting Against: None

4.H Conduct Public Hearing on CE2023-022 and Consider **Resolution No. 23-1149** approving the issuance of Nuisance Abatement Order NA2023-004 and ordering the property owner of 1005 North Street to abate nuisance conditions.

Motion to Approve Resolution No. 23-1149 approving the issuance of Nuisance Abatement Order NA2023-004 and ordering the property owner of 1005 North Street to abate nuisance conditions.

Public hearing opened at 8:19 p.m.

Mr. Loflin summarized the item on the property owned by SVN Estates LLC out of Pleasanton, CA. Stan Velu and Jack Ward have been acting as agents for the property.

All letters sent have been unclaimed and undeliverable, he even went through the Secretary of State website to get an agent out of Sacramento and had the same issues. Correspondence was also sent to the addresses and no response was received.

He summarized the violations against the property.

Jack Ward, resident of the property, commented that he has been working every day to clean up the property.

Public hearing closed at 8:28 p.m.

The Commission and staff held a discussion regarding the matter.

Mr. Loflin stated multiple notices went out and nothing was occurring. We have to get to a point to bring these matters into compliance.

[PC 23-1149 Resolution.doc](#)

[Nuisance Abatement Order NA2023-004](#)

Moved by Wayne Jambois, seconded by Rod DeBoer to approve Resolution 23-1149.

Motion Carried: 5-0

Voting For: Jambois, DeBoer, Ardito, Merchant and Westbrook

Voting Against: None

Mr. Loflin stated the compliance deadline is June 26, 2023, by 8 a.m. If everything is cleared and compliant no further action will be required.

4.I Conduct Public Hearing on CE2023-034 and Consider **Resolution No. 23-1150** approving the issuance of Nuisance Abatement Order NA2023-005 and ordering the property owner of 6 Monrovia Street to abate nuisance conditions.

Motion to Approve Resolution No. 23-1150 approving the issuance of Nuisance Abatement Order NA2023-005 and ordering the property owner of 6 Monrovia Street to abate nuisance conditions.

Public hearing opened at 8:32 a.m.

Mr. Loflin summarized the matter and violations on the property.

No public comment.

Public hearing closed at 8:34 p.m.

[PC 23-1150 Resolution](#)
[Nuisance Abatement Order NA2023-005](#)

Moved by Rod DeBoer, seconded by Tony Ardito approve Resolution 23-1150.

Motion Carried:4-0

Voting For: DeBoer, Ardito, Merchant and Westbrook

Absent: Jambois

Voting Against: None

5. NEW BUSINESS: NONE

6. CORRESPONDENCE: NONE

7. COUNTY REFERRALS: NONE

8. ADJOURNMENT:

Moved by Rod DeBoer, seconded by James Merchant to adjourn at 8:35 p.m.

Motion Carried: 5-0

Voting For: DeBoer, Merchant, Ardito, Jambois and Westbrook

Voting Against: None

Mr. Mumper addressed an error on the agenda and the next meeting is scheduled for June 27, 2023.

Signed, Chair Melanie Westbrook

Respectfully submitted by,

Ruth McElrath, Building Permit Technician

Heidi Whitlock, City Clerk

Approved On: July 11, 2023