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CITY OF SUSANVILLE  
66 N. Lassen Street • Susanville CA  
Melanie Westbrook, Chair  
James Merchant, Vice Chair  
Tony Ardito • Wayne Jambois • Rod DeBoer

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Susanville Planning Commission  
**Regular Planning Commission Meeting • City Council Chambers 66  
N. Lassen Street, Susanville, CA 96130**  
Tuesday, November 14, 2023 - 5:30 PM

**CALL TO ORDER  
ROLL CALL**

1. **APPROVAL OF AGENDA:** *(Additions and/or Deletions)*
2. **BUSINESS FROM THE FLOOR:** *Any person may address the Commission at this time upon any subject on the agenda or not on the agenda within the jurisdiction of the City of Susanville Planning Commission. However, comments on items on the agenda may be reserved until the item is discussed and any matter not on the agenda that requires action will be referred to staff for a report and action at a subsequent meeting.  
Presentations are subject to a five-minute limit.*
3. **CONSENT ITEMS:** *All matters listed under the Consent Calendar are considered to be routine by the Planning Commission. There will be no separate discussion on these items. Any member of the public or the Planning Commission may request removal of an item from the Consent Calendar to be considered separately.*
  - 3.A Receive and file minutes from the Sept. 26, 2023, meeting.
4. **PUBLIC HEARINGS:**
  - 4.A Use Permit/Architectural Site Plan Review #2023-006 to consider a fifteen five plex (seventy-five unit) multi-family housing project on an undeveloped parcel with R-3 Zoning.
  - 4.B Continuing tabled item from the September 26, 2023, regularly scheduled Planning Commission meeting. Discuss the potential assessment of administrative civil penalties against the property owner at 105 Russell Avenue for noncompliance with Nuisance Abatement Order NA2023-003 based on a progress report to be provided by the property owners.
  - 4.C Continuing tabled item from the September 26, 2023, regularly scheduled Planning Commission meeting. Discussion to consider Resolution No. 23-1165 regarding the issuance of civil assessment penalties against the property owner at 713 Cottage Street for noncompliance with Nuisance Abatement Order NA2023-001.
5. **NEW BUSINESS: NONE**
6. **CORRESPONDENCE: NONE**

**7. COUNTY REFERRALS: NONE**

**8. ADJOURNMENT: \*The next regular meeting of the Susanville Planning Commission will be held on November 28, 2023 at 5:30PM.**

*Reports and documents relating to each agenda item are on file in the Office of the City Clerk and are available for public inspection during normal business hours and at the meeting. These reports and documents are also available at the City's website [www.cityofsusanville.net](http://www.cityofsusanville.net), unless there were systems problems posting to the website.*

***Accessibility: An interpreter for the hearing-impaired may be made available upon request to the City Clerk seventy-two hours prior to a meeting. A reader for the vision-impaired for purposes of reviewing the agenda may be made available upon request to the City Clerk. The location of this meeting is wheelchair-accessible.***

*I, Ruth McElrath, certify that I caused to be posted notice of the regular meeting scheduled for November 14, 2023, in the areas designated on November, 9, 2023.*

*The Planning Commission's action on Use Permit (including Planned Development Use Permits) and Variance items may be appealed to the City Council within 5 business days of action. The Planning Commission's action on Tentative Subdivision items may be appealed to the City Council within 10 business days of action. Appeals of the Planning Commission's action must be made in writing on the form provided by the City and must be accompanied by a fee adopted by the City Council. Appeals of Planning Commission actions must be based on comments made known (either through written or verbal comment) at the Planning Commission Meeting. Please contact the Community Development Department for more information regarding appeals.*

**AGENDA ITEM NO. 3.A**  
**Action Item**

**SUSANVILLE PLANNING COMMISSION AGENDA ITEM**

**Submitted By:** Ruth McElrath, Building & Planning Division

**Action Date:** November 14, 2023

**SUBJECT:** Receive and file minutes from the Sept. 26, 2023, meeting.

**PRESENTED BY:** Ruth McElrath, Building Permit Technician

**SUMMARY:** Staff is presenting meeting minutes from the Sept. 26, 2023, meeting.

**FISCAL IMPACT:** None

**ACTION REQUESTED:** Receive and file minutes from the Sept. 26, 2023, meeting.

**ATTACHMENTS:**  
[P.C. 9.26.23 min..pdf](#)

**SUSANVILLE PLANNING COMMISSION**  
**Regular Planning Commission Meeting Minutes**  
**TUESDAY, SEPTEMBER 26, 2023 – 5:30 PM**

**CALL TO ORDER:** Meeting called to order at 5:30 p.m. by Vice Chair Merchant

**ROLL CALL:** Rod DeBoer, Tony Ardito, Wayne Jambois, and James Merchant

Absent: Melanie Westbrook

**1. APPROVAL OF AGENDA:**

Moved by Wayne Jambois; seconded by Rod DeBoer to approve agenda as submitted.

Motion: 4-0

Voting For: DeBoer, Ardito, Jambois, and Merchant

Voting Against: None

**2. BUSINESS FROM THE FLOOR:** Bill Tezak stated he served a notice on the City based on code enforcement and the abatements. Everything is a sham and everyone who participates will be subjected to a federal lawsuit.

Desiree, of 811 Cottage St., shared about the living conditions including lack of plumbing facilities and utilities.

Amanda Berryhill, Smoke Free High Country Project, shared information about project which is to provide education and tobacco prevention in Lassen County and shared statistics about tobacco use both locally and statewide.

**3. CONSENT ITEMS:**

3.A Receive and file minutes from the September 12, 2023, meeting.

[P.C. 9.12.23 min.pdf](#)

Moved by Rod DeBoer; seconded by Wayne Jambois to approve the Sept. 12, 2023, meeting minutes.

Motion Carried: 4-0

Voting For: DeBoer, Jambois, Ardito and Merchant

Voting Against: None

#### 4. PUBLIC HEARINGS:

- 4.A Consider Resolution No. 23-1164 approving the assessment of administrative civil penalties against the property owner at 105 Russell Avenue for noncompliance with Nuisance Abatement Order NA2023-003.

Motion to approve Resolution No. 23-1164 approving the assessment of administrative civil penalties against the property owner at 105 Russell Avenue for noncompliance with Nuisance Abatement Order NA2023-003.

Public comment opened at 6:07 p.m.

Peter Talia, representing the trust, asks for a continuance of 60 days in assessment of penalties.

Bill Tezak, states he is doing an abatement of the property. The wind blew a building down, people were stealing catalytic converters, and wheels.

Debi Marino, stated she was denied entry to house. They are in court with Mr. Tezak, and an injunction is scheduled for October 19. She is asking for a continuance.

[PC 23-1164 Resolution.doc](#)

[Nuisance\\_Abatement\\_Order\\_After\\_Hearing\\_NA2023-003\\_105\\_Russell\\_Ave.pdf](#)

Moved by Wayne Jambois; seconded by Tony Ardito to table the item to November 14th.

Motion Tabled: 4-0

Voting For: DeBoer, Ardito, Jambois, and Merchant

Voting Against: None

- 4.B Consider Resolution No. 23-1165 regarding the issuance of civil assessment penalties against the property owner at 713 Cottage Street for noncompliance with Nuisance Abatement Order NA2023-001.

Motion to approve Resolution No. 23-1165 approving the issuance of civil assessment penalties against the property owner at 713 Cottage Street for noncompliance with Nuisance Abatement Order NA2023-001.

Mr. Tezak stated broken windows aren't a public nuisance. He also said the parking lot is on another APN.

Mr. Talia explained the trustee of trust is in charge. Mr. Tezak is a beneficiary, however he has no say in the trust.

Commissioner Jambois recommends tabling the item to November 14.

[PC 23-1165 Resolution.doc](#)

[Nuisance\\_Abatement\\_Order\\_After\\_Hearing\\_NA2023-001\\_713\\_Cottage.pdf](#)

Moved by Wayne Jambois; seconded by Tony Ardito to table the item to November 14th.

Motion Tabled: 4-0

Voting For: Jambois, Ardito, DeBoer, and Merchant

Voting Against: None

- 4.C Consider Resolution No. 23-1166 regarding the assessment of administrative civil penalties against the property owner at 811 Cottage Street for noncompliance with Nuisance Abatement Order NA2023-002.

Motion to approve Resolution No. 23-1166 approving the assessment of administrative civil penalties against the property owner at 811 Cottage Street for noncompliance with Nuisance Abatement Order NA2023-002.

Public comments opened at 7:02 p.m.

Mr. Tezak asks for current pictures and addresses them. He states he is going to evict the tenants, and claims they removed the sink and other equipment. His father always did subdivisions with the intent to sell one parcel and keep one as a rental.

Public comments closed at 7:09 p.m.

[PC 23-1166 Resolution.doc](#)

[Nuisance\\_Abatement\\_Order\\_After\\_Hearing\\_NA2023-002\\_811\\_Cottage.pdf](#)

Moved by Wayne Jambois; seconded by Rod DeBoer to approve Resolution 23-1166.

Motion Carried: 4-0

Voting For: Jambois, DeBoer, Ardito and Merchant

Voting Against: None

- 4.D Conduct Public Hearing on CE2022-019 and consider Resolution No. 23-1167 approving the issuance of a Nuisance Abatement Order NA2023-007 and ordering the property owner of 335 Grand Avenue to abate nuisance conditions.

Conduct Public Hearing on CE2022-019 and consider Resolution No. 23-1167 approving the issuance of Nuisance Abatement Order NA2023-007 and ordering the property owner of 335 Grand Avenue to abate nuisance conditions.

Mr. Loflin explained the matter to the Commission and said he recommends approving Resolution 23-1167.

Public hearing opened at 7:22 p.m.

No comments.

Public hearing closed at 7:22 p.m.

[Staff Report](#)

[PC 23-1167 Resolution.doc](#)

[Draft Order](#)

Moved by Tony Ardito; seconded by Wayne Jambois to approve Resolution 23-1167.

Motion Carried: 4-0

Voting For: Ardito, Jambois, DeBoer and Merchant.

Voting Against: None

5. **NEW BUSINESS:** None
6. **CORRESPONDENCE:** None
7. **COUNTY REFERRALS:** None
8. **ADJOURNMENT:**

Moved by Wayne Jambois; seconded by Rod DeBoer to adjourn at 7:27 p.m.

Motion Carried: 4-0

Voting For: Jambois, DeBoer, Ardito and Merchant

Voting Against: None

**SUSANVILLE PLANNING COMMISSION AGENDA ITEM**

**Submitted By:** Kelly Mumper, Building & Planning Division

**Action Date:** November 14, 2023

**SUBJECT:** Use Permit/Architectural Site Plan Review #2023-006 to consider a fifteen five plex (seventy-five unit) multi-family housing project on an undeveloped parcel with R-3 Zoning.

**PRESENTED BY:** Kelly Mumper, City Planner

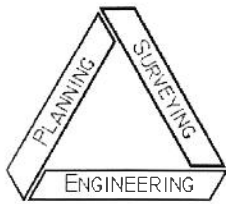
**SUMMARY:** **UP/AR #2023-006, AMAR MATHFALLU.** The applicant is proposing a multifamily housing project which consists of fifteen five plex buildings totaling seventy-five housing units. The subject parcel is five acres and is zoned R-3 (Duplex/Triplex Residential Zoning District) and has a general plan designation of "*Multiple Family*" pursuant to the *City of Susanville General Plan 1990-2010*. The project site is located between Numa Road and Cameron Road and fronts Skyline Road. The subject parcel has an assigned address of 1240 Cameron Way and is assigned Assessors Parcel Number 101-300-024-000. The proposed project is exempt from the California Environmental Quality Act pursuant to Categorical Exemption 15332(a through e) which exempts infill projects on parcels 5 acres or less and Article 12, Section 15192 which exempts residential infill projects. In addition, the applicants were required to supply a traffic impact assessment report to determine if traffic impacts would exceed what was evaluated by an Environmental Impact Report from 1992. The report clearly identifies that traffic impacts would not exceed 1992 expectations and therefore also qualifies for an exemption utilizing the previous EIR that was prepared and certified for development in the subject parcel vicinity (**EIR: State Clearing House Number 91103052**).

**FISCAL IMPACT:** None.

**ACTION REQUESTED:** Consider adoption of Resolution No. 23-1168, approving the 75-unit multi-family housing project.

**ATTACHMENTS:**  
[Traffic Impact Report 15 5 Plexes.pdf](#)  
[Traffic Impact Study Letter.docx](#)

[HCD Regional Housing Needs Allocation Plan.pdf](#)  
[Site Plan & Elevations.pdf](#)  
[Approving Resolution #23-1168.doc](#)  
[Disapproving Resolution.doc](#)  
[15-5 Plex Staff Report.docx](#)



# ***NST ENGINEERING, INC.***

***1495 Riverside Drive • Susanville, CA 96130  
(530) 257-5173 • FAX (530) 257-6272***

***Jeffery A. Morrish, R.C.E.  
Vernon H. Templeton, R.L.S.***

September 25, 2023

Kelly Mumper, City Planner  
City of Susanville  
66 N Lassen Street  
Susanville, CA 96130

Re: 75-Unit Housing project  
Traffic Study  
UP / AR #23-006 Hilltop Villas  
APN: 101-300-024

Kelly,

As requested, we have prepared a tabulation of predicted traffic volumes relating to the above referenced multi-family housing project at the southeast corner of the Numa Road / Skyline Drive intersection. I will reference the 1992 focused EIR that was completed for the Skyline Terrace Subdivision, Phase One and included Traffic Study by DKS Associates. The traffic study assumed that there would be the following development in the Skyline Terrace

**Development:**

- Single Family Homes, 290 homes
- Multi Family Housing, 180 units
- Commercial Shopping Center, 87,000 sf

**Present Development within Skyline Terrace includes the following:**

- Single Family Homes, 277 homes
- Multi Family Housing, 0 units
- Commercial Shopping Center, 0 sf
- Mini Storage Facility, 608 units

**Additional development outside the footprint of Skyline Terrace includes the following:**

- Community Church, 14,680 sf, 350 attendees
- Upper Susanville Indian Rancheria
  - Original Houses prior to 1992, 30
  - New Houses and Apartments, 38
- Diamond Mountain Casino
  - Hotel, Mini-Mart, and Gas Station

**Table 4**  
**Skyline Terrace**  
**Vehicle Trip Generation Rates and Trips**

| Land Use                | Size                   | ---- Rates ---- |       | -- Vehicle Trips -- |               |
|-------------------------|------------------------|-----------------|-------|---------------------|---------------|
|                         |                        | P.M. Peak       | Daily | P.M. Peak           | Daily         |
| Single Family Homes     | 290 DU <sup>1</sup>    | 1.01            | 9.55  | 293                 | 2,770         |
| Multi Family Homes      | 180 DU                 | 0.63            | 6.47  | 113                 | 1,165         |
| Commercial Shopping Ctr | 87,000 SF <sup>2</sup> | 6.88            | 74.45 | <u>599</u>          | <u>6,477</u>  |
| <b>Totals</b>           |                        |                 |       | <b>1,005</b>        | <b>10,412</b> |

<sup>1</sup> Dwelling units

<sup>2</sup> Square feet, assumes 8 acres at FAR = 0.25

Source: Institute of Traffic Engineers, *Trip Generation*, 5th Edition, 1991.

Table 2 - Present Skyline Terrace Development Vehicle Trip Generation Rates and Trips

| Land Use              | Size | Rates                       |       | Vehicle Trips |       |
|-----------------------|------|-----------------------------|-------|---------------|-------|
|                       |      | Peak                        | Daily | Peak          | Daily |
| Single Family Homes   | 277  | 1.01                        | 9.55  | 280           | 2645  |
| Multi Family Units    | 0    | 0.63                        | 6.47  | 0             | 0     |
| Hilltop Villas        | 75   | 0.63                        | 6.47  | 48            | 485   |
| Commercial            | 0    | 0                           | 0     | 0             | 0     |
| Mini-Storage Facility | 608  | See letter from<br>F. Nagel |       | 23 (10%)      | 227   |
| Total                 |      | (32% of original study)     |       | 351           | 3357  |

Table 3 - Additional Development Outside Skyline Terrace

| Land Use                             | Size                      | Rates |       | Vehicle Trips |       |
|--------------------------------------|---------------------------|-------|-------|---------------|-------|
|                                      |                           | Peak  | Daily | Peak          | Daily |
| Community Church                     | 14,680 sf<br>(350 people) |       |       | 120           | 200   |
| Upper Susanville<br>Indian Rancheria | 68                        | 1.01  | 9.55  | 69            | 650   |
| Diamond Mountain<br>Casino and Hotel | 70 rooms                  | 1.01  | 8.92  | 70            | 625   |
| Total                                |                           |       |       | 259           | 1475  |

Table 2 denotes that the present build out of the Skyline Terrace, Miller / Fletcher, Phase One consists of 277 single family homes (95% build out) and no multi-family units or commercial projects. Hilltop Villas will create 75 multi-family units (15 units per acre) and the Skyline mini-storage facility has removed the potential for 4.89 acres of multi-family development with the expansion of their facility (replaces  $\pm 93$  apartment units). Therefore, Hilltop Villas will provide a 42% build out of the originally proposed 280 multifamily units in Skyline Terrace with only another 4.8 acre parcel available for multi-family development in the subdivision ( $\pm 90$  units). Vehicle Trip Generation is significantly less than the 1992 Skyline Terrace EIR with the present demand at 35% of the demand estimated in the Traffic Study. As noted in Table 4, 1992 Traffic Study Data, commercial development was supposed to create 62% of the vehicular trips and the only development that has occurred is Skyline Mini Storage and its impact is significantly less than the estimated shopping center traffic.

Additional Development has occurred outside the boundaries of the Skyline Terrace development that impacts the Numa Road / Skyline Terrace intersection. As noted in Table 3, Community Church and the Upper Susanville Indian Rancheria has been developed to the north of Skyline Terrace. These projects use Numa Road and Spring Ridge Road for access. The Upper Susanville Indian Rancheria consists of 68 single family homes which generate up to 650 trips per day. Spring Ridge Road is their major access to Highway 139 and the commercial center of Susanville. Numa Road is probably used for about 50% of their daily trips. Community Church will have peak traffic on Wednesdays and Sundays totaling almost 120 trips (peak) and less than 200 trips per day. Most of their vehicular traffic will use Numa Road and Skyline Drive (90%). The present impact from these developments could be about 500 trips per day which would bring the daily count at about 37% of the original 1992 DKS Traffic Study. The Community Church and Skyline Mini Storage should have higher traffic peaks during the weekends and holidays which will also offset or reduce normal weekday peak hour traffic.

Diamond Mountain Casino and Hotel and the Mini Mart / Gas Station have developed over the years to the West on Skyline Drive. Customers normally use Paul Bunyan Road and Skyline Drive for access with the majority of daily traffic using Paul Bunyan Road. The intersection of Paul Bunyan / Skyline has seen the greatest increase in traffic. Traffic going West to Meadowview School and Susanville Ranch Park can also go through this intersection. Since the Casino and Hotel, Susanville Ranch Park, and Meadowview School are all located to the West, their traffic impact at Numa Road is significantly less.

There are a few vacant residential lots ( $\pm 15$  lots) in the Skyline Terrace Phase One (one vacant multifamily lot totaling 4.77 acres, 90 units) and one 6.07 acre commercial lot that could be developed totaling 66,000 sf of potential retail space. When fully developed, these lots could increase traffic flow by 5,600 trips per day, bringing the total daily traffic flow to 9,000 trips per day. It has taken 30 years to complete the present development. The California Correctional Center has closed and there is no proposed industrial or manufacturing development in the near future within Lassen County. Therefore, the possibility for future development of single family homes, multi-family units, and commercial development along Skyline Drive is low and it could take another 30 years before traffic increases to the point of requiring a traffic light at the Skyline / Numa Road intersection. Presently, the stop sign at Numa Road rarely has cars stopped waiting to turn. The stopped delay is normally under ten (10) seconds per vehicle (LOS-B) and rarely under twenty (20) seconds per vehicle (LOS-C). Therefore, the proposed Hilltop Villas multi-family project should not significantly increase the peak hour traffic ( $\pm 15\%$ ) and should remain within the predictions noted in the 1992 DKS traffic study.

If you have any questions, please let me know.

Sincerely,

Jeff Morrish  
RCE 36929

**FRED R. NAGEL, PE**  
697-100 Gold Run Road, Susanville, CA 96130  
530-257-4029  
California RCE 26319 California RLS 3989  
frnpeng@gmail.com

City of Susanville Received

May 20, 2021

MAY 21 2021

Stoneco Construction, Inc.  
PO Box 1210  
Susanville, CA 96130

BUILDING & PLANNING

Re: Skyline Rezone/Use Permit Application, APN 101-270-19

As requested by the City, I have prepared the following tabulation of predicted traffic volumes relating to your proposed application, using standard AADT values from Institute of Transportation Engineering publications:

Predicted AADT from existing land uses:

|                                                      |                 |
|------------------------------------------------------|-----------------|
| R-1 Zone: 10 lots x 10 trips/lot:                    | 100 AADT        |
| R-3 Zone: 4.67 acres x 12 units/acre x 7 trips/unit: | <u>392 AADT</u> |
| Total:                                               | 492 AADT        |

For estimated traffic flows from the proposed Mini-Storage, I referred to records from your adjacent facility, 273 units. February 2021 gate numbers were 440 trips (220 in, 220 out), an average of 16 trips per day for the month. This computes to a value of 6 trips per day per 100 units.

Predicted AADT from proposed project:

|                                                     |                |
|-----------------------------------------------------|----------------|
| R-1 Zone: 2 lots x 10 trips/lot:                    | 10 AADT        |
| R-4 Zone: 1.5 acres x 20 units/acre x 6 trips/unit: | 180 AADT       |
| C-2 Zone with Mini-Storage:                         |                |
| Phase 1: 179 units x 6 trips/100:                   | 11 AADT        |
| Phases 1 & 2: 319 x 6 trips/100:                    | 19 AADT        |
| Phases 1, 2, & 3: 455 units x 6 trips/100:          | 27 AADT        |
| Phases 1, 2, 3, & 4: 608 units x 6 trips/100:       | <u>37 AADT</u> |
| Total:                                              | 227 AADT       |

Peak hour traffic should not be significantly different for either scenario, but likely storage related traffic peaks would be higher on weekends and holidays, where residential related traffic peaks are generally higher on weekdays.

  
Fred R. Nagel, RCE 26319





# City of Susanville

(530) 257-1000 • 66 North Lassen Street • Susanville, CA 96130-3904

August 14, 2023

NST Engineering  
1495 Riverside Drive  
Susanville, CA 96130

RE: Traffic Study for proposed 75 Unit Housing Project (UP/AR#23-006 Hilltop Villas).  
APN: 101-300-024-000

To whom it may concern,

This letter is to inform you that the City of Susanville is in receipt of your land use entitlement application for a Use Permit and Architectural Site Plan Review to potentially allow 75 units of housing within 15 different buildings located on Assessor's Parcel Number 101-300-024-000 (UP/AR#23-006). Although the proposed application potentially qualifies for a California Environmental Quality Act (CEQA) exemption, the Environmental Impact Report (EIR) that approved the underlying subdivisions only contemplated potential traffic impacts associated for that time. Therefore, the City of Susanville shall require a Traffic Impact Study prior to accepting the project application as complete.

Specifically, the (CEQA) (EIR) evaluation performed in 1992 evaluated existing traffic impacts and conditions in 1992. The development that has occurred in the area on rancheria land and in other areas was not contemplated. Therefore, the existing environmental document does not accurately reflect existing conditions or proposed. An analysis of current existing conditions relative to 1992 conditions is needed. If conditions are substantially the same, then we will be able to defend our position to use the existing (CEQA) document.

In addition, the City has provided traffic study data that was performed for the Mini Storage Facilities 700 feet west of the proposed project site. We hope that this additional information is useful to you for a more detailed analysis. Should the additional traffic analysis reflect similar conditions to the 1992 document, the City of Susanville will proceed with utilizing the 1992 (EIR) and subsequent traffic study for the proposed Use Permit and no further environmental review will be required.

If you have questions regarding this letter, please do not hesitate to contact Kelly Mumper, City Planner (530) 252-5104.

Respectfully,

Kelly Mumper, City Planner

**Quincy McCourt**  
Mayor  
**Thomas Herrera**  
Mayor pro tem

**Councilmembers:**  
**Mendy Schuster**  
**Kevin Stafford**  
**Russ Brown**

### ATTACHMENT 3

## HCD DRAFT REGIONAL HOUSING NEEDS ALLOCATION PLAN: LASSEN COUNTY LOCAL GOVERNMENTS

JUNE 30, 2024 – JUNE 30, 2029

### Distribution of Draft RHNA

This table reflects the draft Regional Housing Need Allocation (RHNA) distribution for each local government based on the methodology discussed below:

**Regional Housing Need Allocation by Income Category**

| Jurisdiction                 | Very-Low | Low | Moderate | Above-Moderate | Total |
|------------------------------|----------|-----|----------|----------------|-------|
| Lassen County                | 2        | 2   | 0        | 0              | 4     |
| Susanville City              | 1        | 1   | 0        | 0              | 2     |
| Unincorporated Lassen County | 1        | 1   | 0        | 0              | 2     |

### Purpose of Regional Housing Need Allocation Plan

The purpose of the RHNA Plan is to comply with state law (Gov. Code section 65584, et. seq.) in allocating to each local government a share of regional housing need for use in updating the General Plan housing element. The housing element must accommodate the total RHNA for each of the four (4) income categories (very-low, low, moderate, and above-moderate) over the designated planning period (June 30, 2024 through June 30, 2029). These requirements were enacted into state housing law (Article 10.6 of the Government Code) upon the California legislature determining that the provision of adequate housing is an issue of statewide concern.

HCD, pursuant to Gov. Code section 65584(a), is required to determine the existing and projected need for housing within regions of the state. In addition, HCD (per Gov. Code section 65584.06) is required to develop a plan to distribute the determination of regional housing need to each local government not represented by a COG. The RHNA, per Gov. Code section 65584(d), is required to further all of the following objectives:

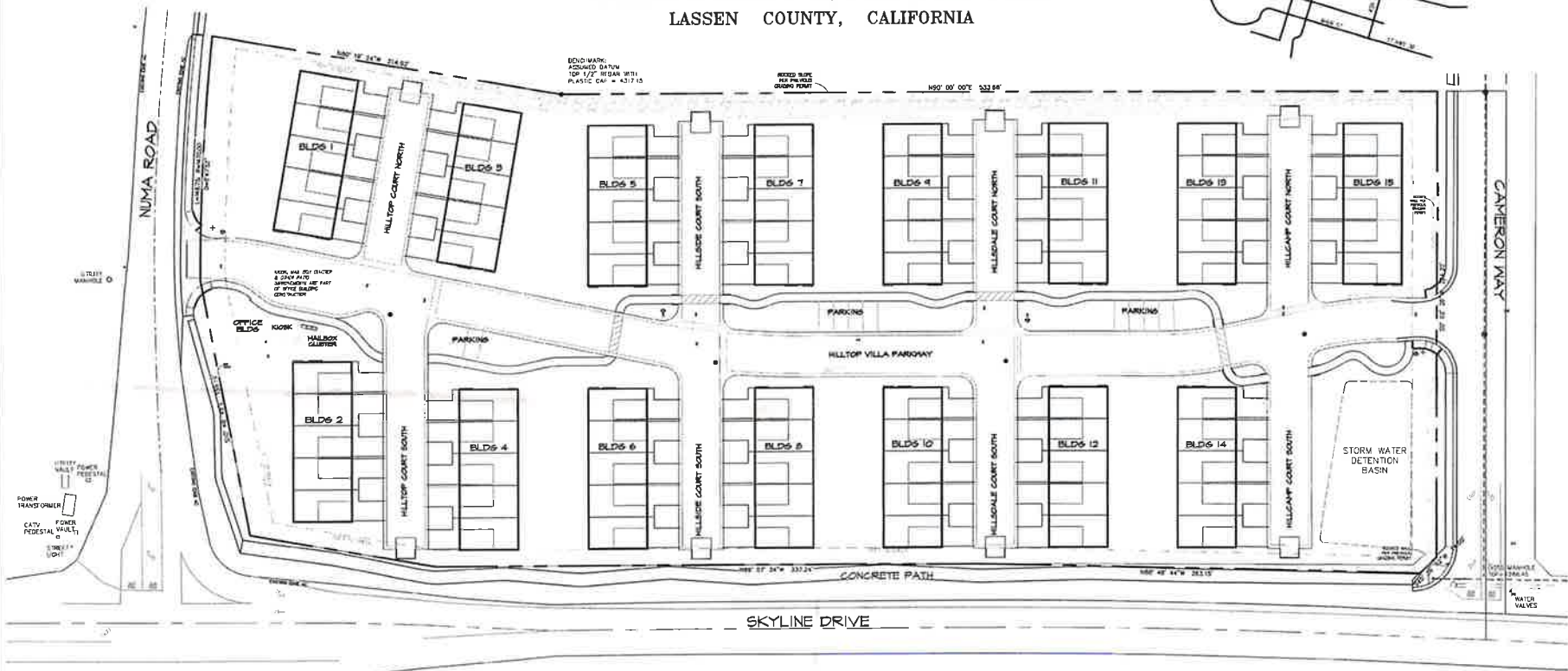
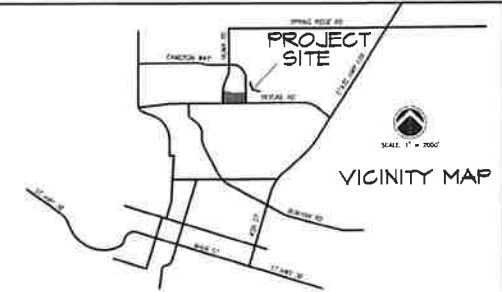
- (1) Increasing the housing supply and mix of housing types, tenure, and affordability.
- (2) Promoting infill development and socioeconomic equity, protecting environmental and agricultural resources, and encouraging efficient development patterns.
- (3) Promoting an improved intraregional relationship between jobs and housing.
- (4) Balancing disproportionate household income distributions.
- (5) Affirmatively furthering fair housing.

The RHNA is based on the projection of population and new household formation determined by the Demographic Research Unit of DOF. The resulting RHNA is a minimum projection of additional housing needed to accommodate household growth over the planning period; it is not a prediction, production quota, or building permit limitation for new residential construction.

To comply with state law in addressing the jurisdiction's RHNA, the updated housing element must identify adequate sites and program actions to accommodate the total RHNA for each income category. Housing elements are required to be updated by June 30, 2024 and sent to HCD for determination of compliance with state law. In updating the housing element, jurisdictions may take credit for and subtract from their RHNA (by income category) new units permitted since the beginning of the RHNA projection period (June 30, 2024).

# PROJECT SITE IMPROVEMENT PLANS OF HILLTOP VILLA

LOCATED IN SECTION 29, T.30N.,R.12E. MDB&M  
LASSEN COUNTY, CALIFORNIA



## REVIEW & APPROVAL

I, THE UNDERSIGNED CITY ENGINEER, HEREBY CERTIFY THAT I HAVE REVIEWED THESE PLANS FOR CONFORMANCE WITH ADOPTED CITY PUBLIC WORKS CONSTRUCTION STANDARDS AND PROJECT SPECIFIC CONDITIONS OF APPROVAL. NO GUARANTEE IS MADE AS TO THE COMPLETENESS OR ACCURACY OF THESE PLANS. THE BUILDER IS REQUIRED TO FOLLOW ALL APPLICABLE REGULATIONS AND TO PROVIDE A COMPLETED PROJECT IN CONFORMANCE WITH ALL CODES, STANDARDS AND CONDITIONS IN A WORKMANLIKE MANNER, WHETHER SPECIFICALLY SHOWN OR NOT. (THE FOLLOWING PORTIONS OF THESE PLANS HAVE NOT BEEN REVIEWED: Landscaping and irrigation plans past the point of connection with the domestic water system. Building construction items within building envelopes, typology within 5 feet of the foundation footprint.)

CITY OF SUSANVILLE ENGINEER

DATE

SUSANVILLE SANITARY DISTRICT

DATE

CITY OF SUSANVILLE FIRE CHIEF

DATE

CITY OF SUSANVILLE PUBLIC WORKS DIRECTOR

DATE

CITY OF SUSANVILLE PLANNING DIRECTOR

DATE

| SHEET INDEX |                   |
|-------------|-------------------|
| C0          | COVER SHEET       |
| C1          | SITE PLAN         |
| C2          | SITE GRADING PLAN |
| C3          | SITE UTILITY PLAN |

APPROVED  
By: [Signature]  
Title: [Title]  
Date: [Date]

City of Susanville Records

JUL 2 2 2023

BUILDING & PLANNING

0' 10' 20' 30' 40' 50' 60' 70'

SCALE IN FEET

CONTOUR INTERVAL: 1 FOOT

CONTOUR DATUM: ASSUMED

**COVER SHEET**

**NST ENGINEERING, INC.**  
1445 Riverside Drive • Susanville, CA 96130  
Engineering • Planning • Surveying  
Phone (530) 257-5173 Fax (530) 257-8272

Date: [Date]  
Drawn: [Name]  
Checked: [Name]

Sheet No.  
**C0**

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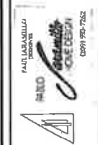
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**RESOLUTION NO. 23-1168**  
**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE**  
**APPROVING A USE PERMIT AND ARCHITECTURAL SITE PLAN REVIEW TO ALLOW A**  
**75 UNIT MULTIFAMILY HOUSING PROJECT CONSISTING OF FIFTEEN FIVE PLEX**  
**BUILDINGS ON A FIVE ACRE PARCEL ZONED R-3**  
**FILE UP/RZ/GP#23-006**  
**APN 101-300-024-000**

**WHEREAS**, the City of Susanville has received an application for a use permit proposing fifteen five plex buildings totaling seventy-five housing units located between Numa Road and Cameron Road and fronts Skyline Road. The subject parcel has an assigned address of 1240 Cameron Way and is assigned Assessor's Parcel Number 101-300-024-000; and

**WHEREAS**, the subject parcel is five acres and is zoned R-3 (Duplex/Triplex Residential Zoning District) and has a general plan designation of "*Multiple Family*" pursuant to the *City of Susanville General Plan 1990-2010*; and

**WHEREAS**, the City Planner published the Public Hearing notice in the *Modoc Record* on November 2, 2023, and property owners were notified by mail of the proposed project within a 350-foot radius of the parcel; and

**WHEREAS**, the Susanville Planning Commission at a public hearing held during its regular meeting on November 14, 2023, considered both written and oral comments presented concerning the proposed Use Permit required by City Code Section 17.112.20 E; and

**WHEREAS**, the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Categorical Exemption 15332(a through e) which exempts infill projects on parcels 5 acres or less and Article 12, Section 15192 which exempts residential infill projects; and

**WHEREAS**, the applicants were required to supply a traffic impact assessment report to determine if traffic impacts would exceed what was evaluated by an Environmental Impact Report from 1992. The report clearly identifies that traffic impacts would not exceed 1992 expectations and therefore also qualifies for an exemption utilizing the previous EIR that was prepared and certified for development in the subject parcel vicinity (EIR: State Clearing House Number 91103052); and

**NOW, THEREFORE, BE IT RESOLVED**, the City of Susanville Planning Commission recommends approval of the project based on the following findings of fact:

- A) The approval of a Use Permit to allow the construction of 75 multifamily housing units is consistent with the Susanville Municipal Code R-3 Zoning District.
- B) That the establishment, maintenance, or operation of the subject use, building or facilities applied for will not, under the circumstances of the particular use, with the conditions imposed thereon, be detrimental to or contrary to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use and will not be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the city.
- C) That the conditions imposed upon approval of this use are necessary to further the public health, safety, peace comfort and general welfare of the city.

1 D) The approval of a Use Permit to allow the construction of 75 multifamily housing units  
2 provide a housing opportunity not currently available in the City complies with and is  
3 supported by the goals, policies and action programs of the Housing Element and Land  
4 Use Element of the General Plan, including, but not limited to the following:

5 **Goal 1:** Provide a range of housing types.

6 **Goal 2:** Preserve and increase the existing supply of rental apartments.

7 **Policy 1.1:** The City shall encourage a mix of housing types, including single-family,  
8 multiple-family and mobile homes.

9 **Policy 1.3:** The construction of housing on vacant (infill) land shall be encouraged.

10 **Policy 1.5:** Maintain and conserve the existing supply of low-cost housing.

11 **Action Program [1.4]:** The City will monitor request for use permits to develop  
12 multifamily structures (4 or more attached units) in the R-3 zoning district over the  
13 next reporting period to determine if the use permit imposed a barrier to developing  
14 multi-family dwellings in the City.

15 *The costs associated with the Conditional Use Permit process, typically ranging from*  
16 *\$2,000 to \$5,000, and represent less than 1% of the costs for a moderate to larger*  
17 *housing project and are thus not prohibitive or stifling to development.*

18 **GOAL 1:** Provide housing opportunities and promote the development of safe,  
19 sanitary, and desirable housing for persons of all economic levels.

20 **GOAL 5:** Provide housing to meet the needs of the City's disabled population  
21 including the developmentally disabled.

22 **POLICY 2.3:** The City or its designee shall insure that occupants of non-market rate  
23 units meet the income restrictions of the development, and that these units are  
24 preserved as affordable – even upon change of ownership.

25 **POLICY 2.8:** The City shall adopt procedures to ensure that proposed developments  
26 with housing units affordable to lower income households receive priority water and  
27 sewer service.

28 **Action Program [2.7]** In response to SB 520, the City will make dwellings  
adaptable and accessible for disabled persons, including persons with developmental  
disabilities, by assigning funding priority, where feasible, to housing rehabilitation cases  
in which accessibility improvements are planned, and where such improvements are the  
only ones necessary. The City shall also continue to enforce ADA compliance during all  
permit processes for new construction and rehabilitation.

**Action Program [2.8]** Establish a Memorandum of Understanding (MOU) with  
Susanville Sanitary District establishing steps to insure that projects with affordable  
housing units receive priority sewer service.

**Action Program [2.9]** Amend the City's request for water service permits application to identify if the water service will serve affordable housing units. If the affordable housing units are involved that permit request for water service shall receive priority review from the City's Department of Public Works.

**POLICY 3.5:** The City shall endeavor, through the development approval process, to ensure that Susanville's community character and housing quality are maintained and improved.

**POLICY 3.6:** Housing in the City shall be maintained and improved to meet or exceed current health, safety, and fire standards.

**POLICY 3.7** In addition to the energy efficiency requirements of Title 24, The City will encourage alternative energy saving measures in residential developments.

#### ***AREA/ SITE SPECIFIC CONDITIONS***

1. Obtain building permits from the City Building Department for the proposed office, and any accessory structures related to the project.
2. Curb and gutter, sidewalk, and drive approach phasing, may be allowed in accordance with Susanville Municipal Code Chapter 12.20.030 partial installation.
3. Resolution 13-4932 requires consultation with City staff to determine appropriate project drainage methodology. Based on preliminary review, storm water detention treatment is required. Design Engineer must provide Site Drainage Plan for 25-year storm detention sediment capture.
4. Prior to building permit issuance, at least one fire hydrant shall be in service.
5. Knox Box keys shall be supplied to the Fire Department for emergency access.
6. The subject parcel has been assigned the address of 1240 Cameron Way and each building shall use numbering and not lettering to identify individual addresses. Example: Buildings 1-15, Units 1-5 per Building per the Postmaster of Sacramento, CA.
7. Curb, gutter, and sidewalk improvements shall be required for the Numa Road frontage, Cameron Way, and Skyline Road where required by the Public Works Department.

8. Ensure that all sides of the new apartment buildings are within 150' of a fire access point (driveway/parking area).
9. Installation of Curb, gutter, sidewalks, and driveway to be installed to city standards on all sides of property abutting public right of way per SMC 12.20.010.
10. Encroachment permit must be obtained for required curb, gutter, sidewalks and driveways prior to issuance of building permit per SMC 12.20.050.
11. Civil Improvement plans, including site utilities to be approved by Public Works Engineering Division during building permit approval.
12. Right turn lane pocket may be required at entrance on Numa Road.
13. Intersection at Skyline and Cameron to be evaluated and designed to city standards for two-way traffic and site distance requirements. Cameron roadway improvements to include total road width that allows two-way traffic.
14. Onsite stormwater detention will be reviewed and approved by Public Works Engineering pursuant to city standard construction details. Detention facility volumes, conveyances, will need to be detailed and supported by hydrology calculations in accordance with industry standards.

#### **GENERAL**

1. This permit will become null and void if the approved use has not begun within two years from the date of adoption of this resolution unless an extension of the life of the permit is approved by the Planning Commission. It is the applicant's responsibility to request an extension within a reasonable time frame, if needed.
2. Approval of this Use Permit is contingent upon the establishment, maintenance, and operation of the subject use not being detrimental or contrary to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use.
3. A minimum of 8 ADA compliant and accessible units shall be required pursuant to the California Building Code Title 24, Section 1102A.3.1., which states that at least 10 percent of but not less than one of the multi-story dwellings in apartment buildings with 3 or more dwelling units and or condominiums with 4 or more dwelling units shall have the primary entry to the dwelling be an accessible route unless otherwise exempted by site impracticality tests in Section 1150A.
4. At least one bathroom shall be located on the primary entry level, served by an accessible route, and shall comply with the provisions in Division IV of the aforementioned section of the California Building Code, Title 24.

- 1 5. All rooms or spaces located on the primary entry level shall be served by an accessible  
2 route and shall comply with the provisions of Division IV. Rooms and spaces located on  
3 the primary entry level and subject to this chapter may include but are not limited to  
4 kitchens, powder rooms, bathrooms, living rooms, bedrooms, or hallways.
- 5 6. Common use areas covered by this section shall be accessible as required by this  
6 chapter. Public use areas defined in Chapter 2 of this code are subject to provisions of  
7 the State Architect (DSA-AC) and are referenced in Section 1.9.1.1.
- 8 7. Pursuant to the Housing and Community Development Departments Regional Housing  
9 Needs Allocation Plan the proposed project shall allocate at least one unit to **very low-**  
10 **income** qualified renters and one unit to **low-income** qualified renters. This condition  
11 lays with the land/use permit and shall carry over even if the property is sold in the  
12 future.
- 13 8. The applicant or agent shall submit an updated site plan that shows usable outdoor  
14 spaces designed for the exclusive use of that dwelling unit at grade or in the form  
15 of a balcony for upper story dwellings, unless approved otherwise by the Planning  
16 Commission.
- 17 9. Any modifications to the submitted Use Permit proposal after approval by the  
18 Planning Commission shall require a new Use Permit application or and Amendments to  
19 Conditions of Approval application depending on the proposal.
- 20 10. Outdoor Trash Storage. All outside trash storage and collection facilities shall be  
21 enclosed by a solid masonry wall or view-obscuring fence at least one foot higher  
22 than the trash container.
- 23 11. Compliance with the Susanville Municipal Code Multi Family Development Standards  
24 shall be required pursuant to Chapter 17.104.110.
- 25 12. The applicant or agent shall submit a detailed landscaping plan prior to issuance of  
26 building permits which adheres to the multifamily development guidelines for  
27 landscaping outlined in Chapter 17.104.110.
- 28 13. A minimum of 38 bicycle parking spaces shall be provided on the project site pursuant to  
Chapter 17.104.110(B)(2).

- 1 14. A minimum of 75 covered or uncovered passenger vehicle parking spaces shall be  
2 required as shown on the applicants submitted site plan dated July 28, 2023.
- 3 15. Compliance with Susanville Municipal Code Chapter 12.20.130 and Chapter  
4 12.20.150.
- 5
- 6 16. Fire hydrants shall comply with Susanville Municipal Code Chapter 8.20.040.
- 7
- 8 17. Compliance with California Fire Code Part 24, Chapters 7 and 8.
- 9
- 10 18. Provide engineered building plans for all project phases designed by a licensed  
11 professional that follows the California Building Code, Title 24.
- 12 19. Fire sprinkler apparatus systems shall be located outside of each building in a separate  
13 closet so that City Fire Department staff do not have to enter the dwelling unit to inspect  
14 them.
- 15 20. The property owner shall submit a payment to the Skyline Numa Road Traffic Light  
16 Mitigation Fund upon submitting for building permits in the amount of \$9,505.00 pursuant  
17 to City Council Resolution No. 93-2471.

18 **BE IT FURTHER RESOLVED**, the Planning Commission hereby approves Use  
19 Permit/Architectural Site Plan Review application #23-006, for a vacant parcel identified  
20 as Assessor's Parcel Number 101-300-024-000.

21 APPROVED: \_\_\_\_\_  
22 Melanie Westbrook, Chairperson  
23 Planning Commission  
24 City of Susanville, State of California

25 ATTEST: \_\_\_\_\_  
26 Heidi Whitlock, City Clerk  
27 Secretary to the Planning Commission

28 The foregoing resolution was introduced and adopted at a regular meeting of the  
Planning Commission of the City of Susanville, held on the 14<sup>th</sup> day of November 2023, by the  
following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Heidi Whitlock, City Clerk  
Secretary to the Planning Commission

**WHEREAS,** The City of Susanville has received an application for a use permit proposing fifteen five plex buildings totaling seventy-five housing units located between Numa Road and Cameron Road and fronts Skyline Road. The subject parcel has an assigned address of 1240 Cameron Way and is assigned Assessor's Parcel Number 101-300-024-000; and

**WHEREAS**, the Susanville Planning Commission at a public hearing held during its regular meeting on November 14, 2023, considered both written and oral comments presented concerning the proposed Use Permit required by City Code Section 17.112.20 E and;

**WHEREAS**, the City of Susanville Planning Division has determined that projects that are disapproved are Categorical Exempt under Article 19, Section 15270, of the CEQA guidelines.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission:

A) Makes the following findings:

1. That the proposed project is not consistent with the General Plan and the City of Susanville Zoning Ordinance.
2. That the establishment, maintenance, or operation of the subject use, building or facilities applied for **will**, under the circumstances of the particular use, with the conditions imposed thereon, be detrimental to or contrary to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed use and will not be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the city.
3. The Use Permit application numbered 23-006, for Amar Mathfallu is hereby disapproved.

APPROVED: \_\_\_\_\_  
Melanie Westbrook, Chairperson  
Planning Commission  
City of Susanville, State of California

ATTEST: \_\_\_\_\_  
Heidi Whitlock, City Clerk  
Secretary to the Planning Commission

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The foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 14<sup>th</sup> day of November 2023, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Heidi Whitlock, City Clerk  
Secretary to the Planning Commission

**CITY OF SUSANVILLE PLANNING COMMISSION**  
**STAFF REPORT**  
 NOVEMBER 14, 2023

|                                        |                                                                                                                                                        |         |                                              |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------|----------------------------------------------|
| <b>FILE NUMBER</b>                     | Use Permit # UP/AR #23-006                                                                                                                             |         |                                              |
| <b>APPLICANT/OWNER</b>                 | Amar Mathfallu                                                                                                                                         |         |                                              |
| <b>REPRESENTATIVE</b>                  | NST Engineering                                                                                                                                        |         |                                              |
| <b>REQUEST</b>                         | Use Permit, Architectural Design, and Site Plan Review to allow fifteen five plex (75 units) multi-family housing structures on an undeveloped parcel. |         |                                              |
| <b>ASSESSOR'S PARCEL NO.</b>           | 101-300-024-000                                                                                                                                        |         |                                              |
| <b>PARCEL SIZE</b>                     | 5 Acres                                                                                                                                                |         |                                              |
| <b>LOCATION</b>                        | 1240 Cameron Way                                                                                                                                       |         |                                              |
| <b>EXISTING ZONING</b>                 | R-3 Duplex and Triplex Residential                                                                                                                     |         |                                              |
| <b>SURROUNDING ZONING AND LAND USE</b> | <b>ZONING</b>                                                                                                                                          |         | <b>LAND USE</b>                              |
|                                        | <b>North</b>                                                                                                                                           | R-1     | Single Family Residential                    |
|                                        | <b>South</b>                                                                                                                                           | R-3/R-1 | Duplex and Triplex Residential/Single Family |
|                                        | <b>East</b>                                                                                                                                            | C-2     | General Commercial/Shopping Center           |
|                                        | <b>West</b>                                                                                                                                            | R-3     | Duplex and Triplex Residential               |
| <b>GENERAL PLAN DESIGNATION</b>        | Duplex and Triplex Residential                                                                                                                         |         |                                              |
| <b>ENVIRONMENTAL DETERMINATION</b>     | CEQA Categorically Exempt Section 15332 Infill Development                                                                                             |         |                                              |

**COMMENTS RECEIVED:**

**City of Susanville Building Official** - Building permits required. All new structures must be constructed to the 2022 building code. Agency approvals required before construction begins. At least 8 units shall be ADA compliant pursuant to the California Building Code Title 24, Section 1102A.3.1 which regulates multi-story apartments and condominiums without elevators.

**City Public Works Department** – Provide utility plans for any needed size upgrade or additional water or gas service. Provide grading plan with ADA upgrades at ingress and egress points to Numa Road and Cameron Way (driveway approach).

**Susanville Police Department** –Each building shall have adequate addressing as required by the City Planner and Post Master.

**Susanville Fire Department** – Install sprinkler systems in the new structures. Ensure that all sides of the new apartment buildings are within 150’ of a fire access point (driveway/parking area)

**BACKGROUND/PROJECT DESCRIPTION:**

The applicant is proposing a multifamily housing project which consists of fifteen five plex buildings totaling seventy-five housing units. The subject parcel is five acres and is zoned R-3 (Duplex/Triplex Residential Zoning District) and has a general plan designation of “*Multiple Family*” pursuant to the *City of Susanville General Plan 1990-2010*. The project site is located between Numa Road and Cameron Road and fronts Skyline Road. The subject parcel has an assigned address of 1240 Cameron Way and is assigned Assessor’s Parcel Number 101-300-024-000. The Project will preserve and increase the supply of affordable housing to the residents in Susanville, one of the goals of the City’s Housing Element.

**GENERAL PLAN AND ZONING COMPLIANCE ANALYSIS:**

The property is zoned R-3 Duplex and Triplex Residential. Prior to 2000 the R-3 zoning allowed apartments (4 or more dwelling units in a single building) as an allowed use. In 2000 amendments to the R-3 zoning made apartments a conditional use subject to a Use Permit. Additionally, the R-3 zoning requires an Architectural and Site Plan Review for any development that proposes more than a single-family dwelling or duplex on any property.

The following General Plan Housing Element goals and policies have either been met or shall be met prior to issuance of certificate of occupancy for all five buildings and any accessory buildings related to the project:

**Goal 1:** Provide a range of housing types.

**Goal 2:** Preserve and increase the existing supply of rental apartments.

**Policy 1.1:** The City shall encourage a mix of housing types, including single-family, multiple-family and mobile homes.

**Policy 1.3:** The construction of housing on vacant (infill) land shall be encouraged.

**Policy 1.5:** Maintain and conserve the existing supply of low-cost housing.

**Action Program [1.4]:** The City will monitor request for use permits to develop multifamily structures (4 or more attached units) in the R-3 zoning district over the next reporting period to determine if the use permit imposed a barrier to developing multi-family dwellings in the City.

The costs associated with the Conditional Use Permit process, typically ranging from \$2,000 to \$5,000, and represent less than 1% of the costs for a moderate to larger housing project and are thus

not prohibitive or stifling to development.

**GOAL 1:** Provide housing opportunities and promote the development of safe, sanitary, and desirable housing for persons of all economic levels.

**GOAL 5:** Provide housing to meet the needs of the City's disabled population including the developmentally disabled.

**POLICY 2.3:** The City or its designee shall insure that occupants of non-market rate units meet the income restrictions of the development, and that these units are preserved as affordable – even upon change of ownership.

**POLICY 2.8:** The City shall adopt procedures to ensure that proposed developments with housing units affordable to lower income households receive priority water and sewer service.

**Action Program [2.7]** In response to SB 520, the City will make dwellings adaptable and accessible for disabled persons, including persons with developmental disabilities, by assigning funding priority, where feasible, to housing rehabilitation cases in which accessibility improvements are planned, and where such improvements are the only ones necessary. The City shall also continue to enforce ADA compliance during all permit processes for new construction and rehabilitation.

**Action Program [2.8]** Establish a Memorandum of Understanding (MOU) with Susanville Sanitary District establishing steps to insure that projects with affordable housing units receive priority sewer service.

**Action Program [2.9]** Amend the City's request for water service permits application to identify if the water service will serve affordable housing units. If the affordable housing units are involved that permit request for water service shall receive priority review from the City's Department of Public Works.

**POLICY 3.5:** The City shall endeavor, through the development approval process, to ensure that Susanville's community character and housing quality are maintained and improved.

**POLICY 3.6:** Housing in the City shall be maintained and improved to meet or exceed current health, safety, and fire standards.

**POLICY 3.7** In addition to the energy efficiency requirements of Title 24, The City will encourage alternative energy saving measures in residential developments.

The development is also subject to the multi-family development standards found in section 17.104.110, adopted in 2006, and discussed in detail further below and attached to this report.

## **MULTI-FAMILY DEVELOPMENT STANDARDS**

*Multiple story buildings shall be designed, located and oriented to preserve significant views throughout the site as much as practical to natural features.* The site has significant views due to the topography. The location of the new buildings are proposed in an orientation that contemplates the viewsheds of those residing behind the project on Overlook Drive. In fact, the overall height of the five plex's will not exceed 24 feet and thus may preserve all viewsheds of those on Overlook Drive given the differences in topography between the two developments.

*Front yard setbacks along a street right-of-way shall reflect the average setback of existing adjacent residential structures within two hundred (200) feet, which may be greater than those set in each particular zone district. Modulated or varied building setbacks shall be considered if they avoid the creation of a monotonous streetscape.* The only parcel on Numa Road with a frontage is the Church and is located over 200 feet away from the project site. The proposed front yard setback on Numa Road is approximately 15 feet for the project.

*Except for carports, accessory structures shall be architecturally consistent with the main structures and other site development.* The proposed carports will have an architectural style that is consistent with the new apartment buildings.

*Where practical, private sidewalks separate from driveways and parking lots shall be provided between dwellings and parking areas, on-site amenities and public sidewalks.*

*Bicycle parking areas at a rate of 0.5 spaces per dwelling unit shall be provided.* Adequate room for bicycle parking has not been provided on the preliminary site plan. If approved, the project shall require adequate bicycle parking for each residence and an updated site plan reflecting the condition has been met.

*At least seventy-five (75) percent of trees planted on-site shall be 1.5 inch caliper in size.* A landscaping plan must be provided and approved prior to issuance of building permits.

*At least seventy-five (75) percent of shrubs shall be planted from five-gallon size containers.*

*All disturbed areas shall be covered with an appropriate groundcover to prevent weed and unwanted vegetative growth. Groundcover shall include a weed mat and rock, mulch, wood chips, bark or live plant material.* This will be required as part of the landscape plan review.

*Total number of trees planted on an entire site shall not be less than one tree per each dwelling unit.*

*Each dwelling unit shall have a usable outdoor space designed for the exclusive use of that dwelling unit at grade or in the form of a balcony for upper story dwellings, unless approved otherwise by the Planning Commission.*

*All outdoor lights mounted on poles, buildings or trees that are lit between the hours of ten p.m. and six a.m. shall use full cut-off fixtures. This shall be a condition of the project.*

*Pole mounted lighting shall be spaced for maximum efficiency and shall be no taller than sixteen (16) feet in height.*

*Landscaping requirements in this section shall be in addition to those required in Section 17.96.040, Landscaping, unless approved otherwise by the community development director. A detailed landscaping plan will be required for the areas previously discussed and around the new structures.*

### **SITE DESIGN**

The R-3 zone district also requires this proposal to be evaluated against the City's adopted Design Guidelines. The proposed structures will be of wood frame construction with wood or composite material siding and composition shingle roof material. The site plan and building shall be evaluated against the following applicable site and architectural design criteria in the guidelines:

*Building location(s) and site layout should provide for a functional relationship with the existing site topography, vegetation and other natural features.*

*All development proposals should consider existing site conditions and should be designed to be compatible with the surrounding neighborhood and visual environment. The site is flat with no limiting topographical conditions. The surrounding neighborhood is a mixture of single family residences, and mini storage facilities. The properties directly west and east of the project site are currently undeveloped. The proposed design will be compatible with all of these uses.*

*Natural features should be recognized and integrated into the site plan as much as possible. There are large rocks outcroppings present on the site which will be used to build a rock berm zone wall per the submitted site plan.*

*Rivers, streams, ponds, hillsides, rock formations, mature trees, native vegetation and similar natural features should be incorporated into the overall project design as much as possible.*

*Development should be designed to minimize grading, earthwork and land disturbance and maintain the natural topographic features of the site. Accommodation of existing natural conditions can help avoid site problems associated with flooding, steep slopes, natural drainage courses, rock outcrops and other natural features.*

*Buildings should be located and oriented in a manner that preserves significant views. Views from three vantage points are critical in the siting and orientation of buildings:*

- a) Looking at the site from neighboring properties and other areas;*
- b) Looking at natural features, vistas, and other properties from the site.*
- c) Looking through the site from key places within the project.*

Even with existing development in the project vicinity, significant views from adjoining properties with existing development may be impacted. Specifically, depending on how much material needs to be graded, compacted, or infilled, the overall height of the project's structures may impact the mountainous viewsheds of those residing on Overlook Drive. The project engineer will be present at the meeting to discuss these potential concerns.

*Existing residential land uses should be protected from the noise, traffic, light and glare, fumes, lack of privacy and other potentially offensive aspects of proposed new neighboring land uses. Possible design solutions may include orientation of buildings and site activities away from sensitive areas, buffer plantings, fences, walls, berms, and/or additional open space separation.* Single family residential and multi-family residential uses are generally compatible. The same range of activities occurs on both land use types. Some additional noise may be generated by multi-family developments but not in excess of acceptable residential thresholds. Separation from existing single family dwelling serves to mitigate potential incompatibilities. The project abuts single family residential to the north, south and southwest. In urban areas a zone wall is required for a proposed multifamily residential use in an R-3, R-3A or an R-4 zone district that abuts an R-1 district or a single-family home. The requirement calls for either a solid masonry concrete wall, a high-quality permanent, treated wood fence with decorative block pillars or other material(s) found by the community development director to have significant sound deadening qualities. An alternate option is a planted berm six feet in height constructed along the property line. It is recommended that fencing meeting the zoning requirement be installed as a condition of the project.

*In established residential areas it is generally desirable to continue the existing setback pattern to retain the character of the area. The setbacks for new construction should reflect the average setback of the existing adjacent structures, within the limitations of the particular zoning district.* The proposed site layout meets this recommendation with a 15' setback from Numa Road.

*Site design should minimize changes to natural drainage patterns and avoid significant cut and fill slopes whenever possible. Cuts and fills within the drip-line of existing trees should be avoided. Drainage design should seek to avoid concentrating and accelerating storm runoff.* The natural drainage will be maintained and enhanced. No natural drainage courses will be affected by the project, nor will the drainage pattern be significantly affected. A large water detention basin is proposed on the southeast corner of the project parcel to capture increased storm water run-off related to the project. This bio-swale and or detention basin shall be pervious to allow proper ground infiltration.

*The clustering of buildings and/or uses in larger projects is encouraged. Clustering can minimize the disruption of natural features, provide for more convenient access, reduce improvement costs and create a more functional and cohesive design.*

*Buildings should be sited and designed so that their forms do not disrupt prominent natural skylines such as ridges or hilltops. Buildings which are silhouetted against natural*

*skylines should be designed to be compatible with the natural setting.*

The building orientation and design contemplates viewsheds to the best abilities. An alternate layout or proposal would likely be more impactful to viewsheds.

*Well-landscaped and functional open space areas around building(s) are strongly encouraged. Open space can reduce the perceived density of development, serve as an effective buffer between adjacent development and sensitive land uses and enhance the overall visual appearance of the project.* This policy seems at odds with the policy for clustering buildings. There are and will be landscaped areas between each building landscaping around the perimeter of the project site.

*Accommodations for pedestrian and bicycle circulation should be provided for in the site and building designs. For safety reasons, such accommodations should be designed to avoid conflicts with automobile and truck circulation patterns.* The internal circulation pattern is very simple and circular in design and there should be no conflicts for pedestrians or bicycles. Bicycle parking is a required element of the project. Bicycle parking is required to be .5 spaces per dwelling unit totaling 38 bicycle parking spaces required for the project.

*Similar adjacent land uses should utilize joint access to arterial and collector streets to minimize disruptions to through traffic, reduce improvement costs, provide additional landscaped and open space areas, and to improve vehicle and pedestrian safety.* This project will require that Cameron Way be finished and paved to Skyline Road. The increase in housing units to the area will trigger the need for the Numa Road and Skyline Road Traffic Signal. The applicant is required to submit a deposit based on the development thresholds established in the City of Susanville Planning Department fee schedule by City Council Resolution No.93-2471 which shall be 1,901.00 per acre totaling a deposit amount of \$9,505.00.

*Streets and driveways should be designed in conjunction with existing topographic conditions and natural features such as creeks and drainages. This will help to minimize the amount of cut and fill and to preserve natural drainage patterns.* There are limited topographic features on the site. The project site is relatively flat with a slope of 2% or less.

*Service areas and auxiliary structures (garbage dumpsters; propane, gas and oil tanks; utility boxes; etcetera) should be screened from public street view with a fence, wall or appropriate landscaping.*

**ACCESS, CIRCULATION, & TRAFFIC IMPACTS:** As mentioned previously in this report, the project will require that Cameron Way be finished to Skyline Road and will trigger the future construction of the proposed Traffic Signal at Numa and Skyline Road. Encroachment permits will be required from the Public Works Department pending their review.

In addition, the applicant was required to supply a traffic impact study for the future

impacts associated with the construction of seventy-five dwelling units. The report is included as an attachment to this staff report. The intent of the report was to evaluate traffic projections as they related to an Environmental Impact Report that was associated with the subdivisions that were approved in 1992 and are almost fully build out. The report clearly shows that anticipated impacts from the proposed project are substantially less than the impacts projected in the 1992 traffic study. Therefore, no additional mitigation measures shall be required to address traffic impacts associated with the project.

**PROPERTY LINES & SETBACKS:** All existing and proposed structures will meet the setback requirements for zoning. A 6-foot zone wall is proposed around the entire site except the street frontage for privacy and security purposes.

**PARKING:** The proposed design meets the parking space requirements outlined in the Susanville Municipal Code.

**WATER QUALITY & DRAINAGE:** The new apartment buildings represent the addition of impervious surfaces which will incrementally increase the runoff from the site. The City's public works department did not identify any additional drainage requirements for the project at this time but may ask for additional requirements when the building plans are routed pending approval.

**UTILITIES:** Utilities will have to be extended to serve the new structures. These will be underground and will meet building/electrical code requirements as well as the extension of sewer lines to serve the new apartment buildings.

**ARCHITECTURAL REVIEW, SIGNAGE & LIGHTING:** The architectural style of the new buildings on the site will have the same paint scheme and utilize stucco, and a composition 4/12 roof pitch, which will serve to provide a consistent look within the complex. The color palette will be presented by the project Engineer for the Commission to review at the meeting.

The look of the new complex is appropriate for the area and should not detract from the surrounding neighborhood. The project is fully visible from public rights-of-way. New exterior lighting is expected in association with the new structures. The lighting will be required to have full cut-off fixtures and shall be downward directional. A lighted directory sign will be required for the complex which shows the building numbering. Units shall be assigned addresses by unit number not letter, per the Postmaster of Sacramento, CA.

**ENVIRONMENTAL DETERMINATION (CEQA):**

The proposed project is exempt from the California Environmental Quality Act pursuant to Categorical Exemption 15332(a through e) which exempts infill projects on parcels 5 acres or less and Article 12, Section 15192 which exempts residential infill projects. In addition, the applicants were required to supply a traffic impact assessment report to determine if traffic impacts would exceed what was evaluated by an Environmental Impact Report from 1992. The report clearly identifies that traffic impacts would not exceed 1992 expectations and therefore also qualifies for an exemption utilizing the previous EIR that was prepared and

certified for development in the subject parcel vicinity (**EIR: State Clearing House Number 91103052**).

**RECOMMENDATION:** Adoption of Resolution No. 23-1168, approving Use Permit, Architectural and Site Plan Review UP/AR #23-006, Amar Mathfallu on APN: 101-300-024-000, subject to the conditions listed in the attached Resolution.

**ATTACHMENTS:**

1. Resolution No. 23-1168
2. Elevations Drawings
3. Site Plan
4. Traffic Impact Study

**AGENDA ITEM NO. 4.B**  
**Public Hearing**

**SUSANVILLE PLANNING COMMISSION AGENDA ITEM**

**Submitted By:** Kelly Mumper, Building & Planning Division

**Action Date:** November 14, 2023

**SUBJECT:** Continuing tabled item from the September 26, 2023, regularly scheduled Planning Commission meeting. Discuss the potential assessment of administrative civil penalties against the property owner at 105 Russell Avenue for noncompliance with Nuisance Abatement Order NA2023-003 based on a progress report to be provided by the property owners.

**PRESENTED BY:** Kelly Mumper, City Planner

**SUMMARY:** On June 13, 2023, the Susanville Planning Commission, acting in the capacity of the Administrative Nuisance Abatement Hearing Board as defined in the Susanville Municipal Code § 8.32.030(A) and acting under authorization of Susanville Municipal Code §§ 8.32.120 – 8.32.130, upheld the City of Susanville’s declaration of nuisance conditions for real property at 105 Russell Avenue. The issuance of a Nuisance Abatement Order was approved by the Planning Commission which initiated a one-year jurisdictional period as authorized by Susanville Municipal Code § 8.32.140 to which the Planning Commission has the authority to make decisions regarding the public nuisance being fostered by the property. As a condition of the Nuisance Abatement Order, the Planning Commission ordered that administrative civil penalties may be assessed for non-compliance with the nuisance abatement order. The Planning Commission approved the intention to assess administrative civil penalties as ordered in the nuisance abatement order in the amount of \$500.00 per day, effective from June 26, 2023, up to a maximum of \$10,000 for continued violations of the nuisance abatement order. The authority to assess administrative civil penalties by the Planning Commission is authorized by Susanville Municipal Code § 8.32.290. 8.32.290 SMC allows for the Planning Commission to impose penalties upon persons responsible for creating, maintain or fostering a public nuisance in an amount not to exceed a maximum of five hundred dollars per day for each day that the public nuisance occurs and shall not exceed ten thousand dollars. In determining the amount of the penalty, the Planning Commission may take any or all of the following factors into consideration: The period of time during which the public nuisance occurred. The nature, frequency, and recurrence

of the public nuisance. The ease with which the public nuisance could have been abated. Good faith efforts made to deter the public nuisance or ameliorate its effects. The economic impact of the penalty upon person responsible for payment. The impact of the public nuisance on the community. Such other factors as just may require. The City of Susanville through all departments of the city have incurred costs associated with this subject property. Numerous calls to the police department and fire department have been made for various public safety issues that have expended resources allocated to these departments, additionally, the effect of the public works department and administrative services department have been felt with the amount of work created through enforcement efforts to bring the property into compliance with the Susanville Municipal Code and to abate the public nuisance that has been created. The Planning Commission will conduct a public hearing into the matter to take into consideration the administrative civil penalties that were ordered in the nuisance abatement order, consider testimony from the city, responsible party, and from the public, and take into consideration the factors outlined within the Susanville Municipal Code to make a formal declaration and order to the assessment of the penalties. As this is a formal decision of the Susanville Planning Commission, the aggrieved party to any order has the right to appeal the Planning Commission's decision to the Susanville City Council as authorized by § 8.32.160 SMC. A written appeal to the city council shall be received within 21 days of the decision by the planning commission. An appeal hearing deposit of \$200.00 is required for the appeal to be scheduled and heard by the Susanville City Council (§ 8.32.160 SMC).

**FISCAL IMPACT:**

If the Susanville Planning Commission orders the assessment of administrative civil penalties in the amount of \$500.00 per day effective from June 26, 2023, the 142 days of noncompliance with the nuisance abatement order will exceed the \$10,000.00 maximum as authorized by § 8.32.290 SMC. The fiscal impact would be an increase in revenues in the amount of \$10,000.00 to the General Fund.

**ACTION REQUESTED:**

Receive update from property owners on clean-up efforts. If substantial progress has not been made, staff recommendation would be a motion to approve Resolution No. 23-1164 approving the assessment of administrative civil penalties against the property owner at 105 Russell Avenue for noncompliance with Nuisance Abatement Order NA2023-003.

If substantial progress has been made, the Planning Commission may choose to rescind a portion of the aforementioned fines or all of them. Staff recommends that even if significant progress has been made that the minimum fine shall be \$2,000.00 and the maximum be \$7,100.00.

**ATTACHMENTS:**

[Nuisance\\_Abatement\\_Order\\_After\\_Hearing\\_NA2023-003\\_105\\_Russell\\_Ave.pdf](#)  
[PC\\_23-1164\\_Resolution.pdf](#)

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3 66 North Lassen Street  
4 Susanville, CA 96130  
5 Phone: 530-252-5100  
6 attorney@cityofsusanville.org

7 Attorney for: Petitioner/City of Susanville

8 PLANNING COMMISSION  
9 CITY OF SUSANVILLE

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Petitioner

Nuisance Abatement Order  
NA2023-003

Hearing: June 13, 2023, at 5:30 p.m. in  
Council Chambers  
66 North Lassen Street  
Susanville, CA 96130

The Tezak Family Trust and Marino  
Family Living Trust  
Respondent

1. This proceeding was heard:
  - a. On June 13, 2023, at 5:30 pm in the Council Chambers at 66 North Lassen Street, Susanville, CA 96130.
  - b. By the Planning Commission of the City of Susanville (also referred to as the Hearing Board or the Board) with the following commissioners of the Planning Commission present: Melanie Westbrook, James Merchant, Rod DeBoer, Wayne Jambois, and Tony Ardito.
  - c. Melanie Westbrook presided over the procedure as Chairperson.
  - d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice of Public Hearing" dated May 5, 2023, and served on Respondent, The Tezak Family Trust and Marino Family Living Trust, by Certified Mail on May 5, 2023, and posted on the structure at 105 Russell Avenue on May 5, 2023.
  - e. Present at the hearing where:

- i. Cody Loflin, Code Enforcement Officer II, Kelly Mumper, City Planner, Ruth McElrath, Permit Technician / Secretary of the Planning Commission, Jolene Arredondo, Assistant to the City Administrator, Erik Edholm, Assistant Director of Public Works, and Robert Godman, Director of Public Works representing the City of Susanville and
- ii. Frank Marino, Trustee of the Marino Family Living Trust, Debra Marino of the Marino Family Living Trust, William Tezak of the Tezak Family Trust and David Williams, Attorney for William Tezak representing the Respondent.

### FINDINGS

The Hearing Board makes the following findings.

1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, “No person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance.”
2. The Tezak Family Trust and Marino Family Living Trust own the residential property and are the responsible parties for the property located at 105 Russell Avenue.
3. The Tezak Family Trust and Marino Family Living Trust were properly served with a Notice of Violation on March 21, 2023 with service pursuant to City of Susanville Municipal Code section 8.32.060.
4. The Tezak Family Trust and Marino Family Living Trust were properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on May 5, 2023, and that said notice was properly posted at 105 Russell Avenue on May 5, 2023, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property located at 105 Russell Avenue is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

## ORDERS

The Hearing Board orders the following.

1. The Tezak Family Trust and Marino Family Living Trust must abate the public nuisance at 105 Russell Avenue by doing the following at 105 Russell Avenue:
  - a. Uniform Housing Code Violations:
    - i. All items listed within this notice shall be complied with as the State of California has set the minimum housing standards for all people of this State. An inspection is required to verify the reasonable suspicion of the lack of these items. Please contact Code Enforcement staff to set up a reasonable time to inspect. If I do not hear back from you by the end of the compliance deadline, I will assume that consent has not been granted. An inspection warrant pursuant to California Code of Civil Procedures 1822.50 – 1822.60 shall be sought from the Lassen County Superior Court.
    - ii. The building shall have the required utilities accessible to the building (electrical, water, sewer).
    - iii. The building shall have access to hot and cold running water.
    - iv. The building shall have adequate heating for all units.
    - v. The building shall have adequate access to a kitchen sink, toilet, shower or bath.
    - vi. All other building code violations shall be remedied and shall have all.
  - b. Public Nuisances:
    - i. Cease and desist the operation of any vehicle dismantling operation or the likes of any vehicle business without first obtaining any occupational license through the State of California, conditional use permits through the City of Susanville, and any business license required by the Susanville Municipal Code.
    - ii. There were 14 vehicles on the property during the last site visit. All vehicles, boats, recreational vehicles, etc. shall be removed from the

- 1 property or placed within an appropriate building out of sight of the public.
- 2 Vehicles are inoperable or in a junk or dismantled state.
- 3 iii. Remove the approximately 15 commercial washers from the property and
- 4 dispose of properly and in accordance with state law.
- 5 iv. Remove the approximately 14 commercial driers from the property and
- 6 dispose of the properly and in accordance with state law.
- 7 v. Remove the token machine, vending machines, and refrigerators.
- 8 vi. Burning of vegetation shall be permitted and done during acceptable days.
- 9 vii. Cease and desist the burning of trash, rubbish, garbage.
- 10 viii. Cease and desist the allowance of using recreational vehicles for the
- 11 purposes of living quarters.
- 12 ix. Remove all limbs, downed trees, and branches from the property as this is a
- 13 potential fire hazard.
- 14 x. The outbuilding on the property will need to be inspected by a licensed
- 15 engineer to determine if the building is structurally sound. If the building
- 16 is structurally sound, then rehabilitation is ordered. If the building is not
- 17 structurally sound, then demolition is ordered. All required permits shall be
- 18 obtained.
- 19 xi. permits pulled for their inspection and completion.

20 c. Zoning:

- 21 i. Obtain all required conditional use permits from the City of Susanville for
- 22 operation of any business venture requiring conditional use permits in the
- 23 C-2 zoning district.
- 24 ii. Cease and desist the allowance of any resident from residing in any
- 25 recreational vehicle unless permits have been obtained from the State of
- 26 California and with the City of Susanville.
- 27
- 28

2. The Tezak Family Trust and Marino Family Living Trust must fully abate and remove conditions contributing to the declaration of a public nuisance no later than Monday June 26, 2023 by 8:00 a.m.
3. The Tezak Family Trust and Marino Family Living Trust must obtain any and all required permits that may be required to abate public nuisance at 105 Russell Avenue.
4. After The Tezak Family Trust and Marino Family Living Trust abates the nuisance at 105 Russell Avenue, The Tezak Family Trust and Marino Family Living Trust must contact the Building and Planning Department at the City of Susanville and request that an official at the City of Susanville inspect the condition of the property and buildings at 105 Russell Avenue to determine if the public nuisance was abated.
5. If The Tezak Family Trust and Marino Family Living Trust does not abate the public nuisance at 105 Russell Avenue by 8:00 a.m. on June 26, 2023, the City of Susanville may have the property at 105 Russell Avenue abated.
6. The Tezak Family Trust and Marino Family Living Trust shall have no further violations of the Susanville Municipal Code and shall have no further violations of any state statute or regulation on the State of California while under the jurisdiction of the Hearing Board and while this nuisance abatement order is in effect.
7. If The Tezak Family Trust and Marino Family Living Trust does not abate the public nuisance at 105 Russell Avenue by 8:00 a.m. on June 26, 2023, the Susanville Planning Commission orders an administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
  - a. Assessment of \$500.00 per day until the nuisance abatement order has been complied with.
  - b. Effective from June 26, 2023.
  - c. The maximum administrative penalty shall be \$10,000, exclusive of administrative costs and interest.
8. All costs of the City's abatement efforts, including the abatement work and administrative time to investigate and to hear and effect the abatement shall be charged against The

1 Tezak Family Trust and Marino Family Living Trust as a personal debt or may be assessed  
2 upon 105 Russell Avenue and will constitute a lien or special assessment upon the  
3 property until paid.

- 4 9. This Order shall be effective for one year after issuance. During such period, the hearing  
5 board shall retain jurisdiction over the conditions of the building, structure or property  
6 which constituted the nuisance established by this Order, as well as the abatement  
7 thereof, to ensure that the nuisance does not reoccur and that the building, structure, or  
8 property is maintained in such a manner so as not to create a nuisance. If, during this one-  
9 year period, any enforcement official determines that the same or another nuisance, as  
10 defined by this chapter exists with respect to the building, structure or property, he or she  
11 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of  
12 Susanville Municipal Code. If The Tezak Family Trust and Marino Family Living Trust  
13 does not abate the nuisance at any time within the abatement period, the City may  
14 proceed with the abatement itself under the provisions of section 8.32.190 of the City of  
15 Susanville Municipal Code without further action of the hearing board. The City of  
16 Susanville may also recover all of its abatement effort costs as provided for in the City of  
17 Susanville Municipal Code.

### 18 **APPEAL**

19 Whenever any person is aggrieved by this final order of the Hearing Board, this person may appeal  
20 the Nuisance Abatement Order to the City Council of the City of Susanville. To request an  
21 appeal, the person aggrieved by this order shall notify the City Clerk, in writing, within twenty-  
22 one (21) days of the issuance of this order of their request to have this appeal heard by the City  
23 Council. The aggrieved person shall deposit two hundred dollars (\$200.00) to the City of  
24 Susanville. The appellant shall be responsible for all costs of such appeal which exceeds the  
25 deposited amount. If the aggrieved person requests an appeal hearing, this hearing shall be  
26 granted within forty-five (45) days of the filing appeal at a regularly scheduled meeting of the  
27 Susanville City Council. The appellant shall be notified no less than ten (10) days of the  
28 scheduled appeal hearing.

1 The foregoing order was adopted at a regular meeting of the Planning Commission of the city of  
2 Susanville, held on the 13th day of June 2023.

3  
4 Dated: June 13, 2023 /s/ Melanie Westbrook  
5 Melanie Westbrook  
6 Susanville Planning Commission  
7

8 I, Cody Loflin, Code Enforcement Officer for the City of Susanville do attest that this copy of a  
9 Nuisance Abatement Order issued by the Susanville Planning Commission and memorialized by  
10 **Resolution of the Susanville Planning Commission No. 23-1148**, is a true and accurate copy of  
11 the order to which was signed by Melanie Westbrook, Chairperson of the Susanville Planning  
12 Commission. I declare under penalty of perjury that the foregoing is true and correct.

13  
14 Dated: June 16, 2023 *Cody Loflin*  
15 Cody Loflin, Code Enforcement Officer  
16 City of Susanville  
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**RESOLUTION NO. 23-1164**  
**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE**  
**APPROVING THE ASSESSMENT OF ADMINISTRATIVE CIVIL PENALTIES AGAINST**  
**THE PROPERTY OWNER OF 105 RUSSELL AVENUE (APN 105-320-013-000) FOR**  
**NONCOMPLIANCE WITH NUISANCE ABATEMENT ORDER NA2023-003**

**WHEREAS**, California Government Code Sections 36901, 38771, and 38773.5(a) authorizes the City of Susanville to enact ordinances declaring what constitutes a nuisance, the procedures for abating nuisance conditions, providing for the recovery of costs and attorney fees to abate the nuisance, and providing for the collection of civil penalties; and

**WHEREAS**, the Susanville City Council adopted Ordinance 17-1011 that declares conditions of real property that constitute a public nuisance and provides for the abatement of said nuisance conditions; and

**WHEREAS**, a public nuisance has been declared upon the property of 105 Russell Avenue and attempts to bring the property into voluntary compliance have been futile; and

**WHEREAS**, the City of Susanville intend to have the property abated to remove the nuisance conditions and therefore invoke Chapter 8.32 of the Susanville Municipal Code and request the Susanville Planning Commission issue a nuisance abatement order to compel the property owners to abate and remove nuisance conditions or the city of Susanville shall be authorized to perform the necessary abatement work.

**WHEREAS**, the Susanville Planning Commission approved the issuance of a Nuisance Abatement Order NA2023-003 at a duly noticed public hearing on June 13, 2023 which ordered The Tezak Family Trust & Marino Family Living Trust, to abate nuisance conditions at 105 Russell Avenue (APN 105-320-013-000); and

**WHEREAS**, the condition of real property remains a public nuisance and in violation of nuisance abatement order NA2023-003; and

**WHEREAS**, the assessment of administrative civil penalties is authorized by Section 8.32.290 of the Susanville Municipal Code which provides for a maximum daily penalty and a maximum total penalty when considering defined factors relating to the facts presented to the Susanville Planning Commission; and

**WHEREAS**, the Planning Commission granted the property owners and agents a 60 day extension at the September 26, 2023, regularly scheduled meeting; and

**WHEREAS**, if there has not been significant progress made on abating the public nuisances outlined in the abatement order within the extension period, that Planning Commission shall proceed with upholding the associated fines in full; and

**WHEREAS**, the assessment of civil penalties relating to a nuisance abatement order does not involved any commitment to any specific project which may result in a potentially significant physical impact on the environment and is not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378 of the CEQA Guidelines.

1       **NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of  
2 Susanville hereby approves the assessment of administrative civil penalties for violations of  
3 nuisance abatement order NA2023-003 as follows:

- 4       A. Five hundred dollars (\$500.00) for each day the public nuisance existed on property  
5 located at 105 Russell Avenue.  
6       B. Effective date of the assessment of administrative civil penalties shall be June 26,  
7 2023.

8       **BE IT FURTHER RESOLVED** that the Planning Commission of the City of Susanville  
9 hereby orders the maximum administrative civil penalty in the amount of ten thousand dollars  
10 (\$10,000) for 142 total days of noncompliance with nuisance abatement order NA2023-003 and  
11 orders the payment of said administrative civil penalty due by Tuesday, January 2, 2023, by  
12 4:30 p.m.

13                               APPROVED: \_\_\_\_\_  
14                                               Melanie Westbrook, Chairperson

15                               ATTEST: \_\_\_\_\_  
16                                               Heidi Whitlock, City Clerk

17       The foregoing resolution was adopted at a regular meeting of the Planning Commission  
18 of the City of Susanville, held on the 14th day of November 2023, by the following vote:

19       AYES:  
20       NOES:  
21       ABSENT:  
22       ABSTAIN:

23                                                                               \_\_\_\_\_  
24                                                                                       Heidi Whitlock, City Clerk  
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**AGENDA ITEM NO. 4.C**  
**Public Hearing**

**SUSANVILLE PLANNING COMMISSION AGENDA ITEM**

**Submitted By:** Kelly Mumper, Building & Planning Division

**Action Date:** November 14, 2023

**SUBJECT:** Continuing tabled item from the September 26, 2023, regularly scheduled Planning Commission meeting. Discussion to consider Resolution No. 23-1165 regarding the issuance of civil assessment penalties against the property owner at 713 Cottage Street for noncompliance with Nuisance Abatement Order NA2023-001.

**PRESENTED BY:** Kelly Mumper, City Planner

**SUMMARY:** On June 13, 2023, the Susanville Planning Commission, acting in the capacity of the Administrative Nuisance Abatement Hearing Board as defined in the Susanville Municipal Code § 8.32.030(A) and acting under authorization of Susanville Municipal Code §§ 8.32.120 – 8.32.130, upheld the City of Susanville’s declaration of nuisance conditions for real property at 713 Cottage Street. The issuance of a Nuisance Abatement Order was approved by the Planning Commission which initiated a one-year jurisdictional period as authorized by Susanville Municipal Code § 8.32.140 to which the Planning Commission has the authority to make decisions regarding the public nuisance being fostered by the property. As a condition of the Nuisance Abatement Order, the Planning Commission ordered that administrative civil penalties may be assessed for non-compliance with the nuisance abatement order. The Planning Commission approved the intention to assess administrative civil penalties as ordered in the nuisance abatement order in the amount of \$500.00 per day, effective from June 13, 2023, up to a maximum of \$10,000 for continued violations of the nuisance abatement order. The authority to assess administrative civil penalties by the Planning Commission is authorized by Susanville Municipal Code § 8.32.290. 8.32.290 SMC allows for the Planning Commission to impose penalties upon persons responsible for creating, maintain or fostering a public nuisance in an amount not to exceed a maximum of five hundred dollars per day for each day that the public nuisance occurs and shall not exceed ten thousand dollars. In determining the amount of the penalty, the Planning Commission may take any or all of the following factors into consideration: The period of time during which the public nuisance occurred. The nature, frequency, and recurrence of the public nuisance. The ease with which the public nuisance could

have been abated. Good faith efforts made to deter the public nuisance or ameliorate its effects. The economic impact of the penalty upon person responsible for payment. The impact of the public nuisance on the community. Such other factors as just may require. The City of Susanville through all departments of the city have incurred costs associated with this subject property. Numerous calls to the police department and fire department have been made for various public safety issues that have expended resources allocated to these departments, additionally, the effect of the public works department and administrative services department have been felt with the amount of work created through enforcement efforts to bring the property into compliance with the Susanville Municipal Code and to abate the public nuisance that has been created. The Planning Commission will conduct a public hearing into the matter to take into consideration the administrative civil penalties that were ordered in the nuisance abatement order, consider testimony from the city, responsible party, and from the public, and take into consideration the factors outlined within the Susanville Municipal Code to make a formal declaration and order to the assessment of the penalties. As this is a formal decision of the Susanville Planning Commission, the aggrieved party to any order has the right to appeal the Planning Commission's decision to the Susanville City Council as authorized by § 8.32.160 SMC. A written appeal to the city council shall be received within 21 days of the decision by the planning commission. An appeal hearing deposit of \$200.00 is required for the appeal to be scheduled and heard by the Susanville City Council (§ 8.32.160 SMC).

**FISCAL IMPACT:**

If the Susanville Planning Commission orders the assessment of administrative civil penalties in the amount of \$500.00 per day effective from June 13, 2023, the 142 days of noncompliance with the nuisance abatement order will exceed the \$10,000.00 maximum as authorized by § 8.32.290 SMC. The fiscal impact would be an increase in revenues in the amount of \$10,000.00 to the General Fund.

**ACTION REQUESTED:**

Motion to approve Resolution No. 23-1165 approving the issuance of civil assessment penalties against the property owner at 713 Cottage Street for noncompliance with Nuisance Abatement Order NA2023-001.

**ATTACHMENTS:**

[Nuisance\\_Abatement\\_Order\\_After\\_Hearing\\_NA2023-001\\_713\\_Cottage.pdf](#)  
[PC\\_23-1165\\_Resolution.pdf](#)

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7 Attorney for: Petitioner/City of Susanville

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PLANNING COMMISSION  
CITY OF SUSANVILLE

|                        |            |
|------------------------|------------|
| City of Susanville,    | Petitioner |
| v                      |            |
| The Tezak Family Trust | Respondent |

Nuisance Abatement Order  
NA2023-001

Hearing: June 13, 2023, at 5:30 p.m. in  
Council Chambers  
66 North Lassen Street  
Susanville, CA 96130

1. This proceeding was heard:

- a. On June 13, 2023, at 5:30 pm in the Council Chambers at 66 North Lassen Street, Susanville, CA 96130.
- b. By the Planning Commission of the City of Susanville (also referred to as the Hearing Board or the Board) with the following commissioners of the Planning Commission present: Melanie Westbrook, James Merchant, Rod DeBoer, Wayne Jambois, and Tony Ardito.
- c. Melanie Westbrook presided over the procedure as Chairperson.
- d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice of Public Hearing" dated May 5, 2023, and served on Respondent, The Tezak Family Trust, by Certified Mail on May 5, 2023, and posted on the structure at 713 Cottage Street on May 5, 2023.
- e. Present at the hearing where:

- i. Cody Loflin, Code Enforcement Officer II, Kelly Mumper, City Planner, Ruth McElrath, Permit Technician / Secretary of the Planning Commission, Jolene Arredondo, Assistant to the City Administrator, Erik Edholm, Assistant Director of Public Works, and Robert Godman, Director of Public Works representing the City of Susanville and
- ii. The Trustee of the Tezak Family Trust did not appear on behalf of the Respondent. William Tezak spoke on behalf of the Tezak Family Trust and was accompanied by his lawyer, David Williams.

### FINDINGS

The Hearing Board makes the following findings.

1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, “No person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance.”
2. The Tezak Family Trust owns the commercial property and is the responsible party for the property located at 713 Cottage Street.
3. The Tezak Family Trust was properly served with a Notice of Violation on March 21, 2023 with service pursuant to City of Susanville Municipal Code section 8.32.060.
4. The Tezak Family Trust was properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on May 5, 2023, and that said notice was properly posted at 713 Cottage Street on May 5, 2023, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property located at 713 Cottage Street is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

## ORDERS

The Hearing Board orders the following.

1. The Tezak Family Trust must abate the public nuisance at 713 Cottage Street by doing the following at 713 Cottage Street:
  - a. Removal of all conditions constituting a zoning violation within the City of Susanville
  - b. Removing and relocating all residents within any structure upon 713 Cottage that is in violation of the Uniform Housing Code.
  - c. All debris, garbage, junk, trash, rubbish, and miscellaneous items shall be removed from public view.
  - d. All vehicles that are within the parameters of the abandoned vehicle abatement ordinance, to wit, are within an abandoned, dismantled, junked, inoperative, or wrecked conditions shall be removed from the property and stored in accordance with all laws of the State of California and the Susanville Municipal Code.
  - e. All property maintenance violations shall be addressed.
    - i. Repair broken windows
    - ii. Bring all unpermitted work into compliance.
    - iii. Parking lot to be neat and presentable.
    - iv. Clean up the accumulated grease, oil, and other residues from the pavement.
2. The Tezak Family Trust must fully abate and remove conditions contributing to the declaration of a public nuisance no later than Monday June 26, 2023 by 8:00 a.m.
3. The Tezak Family Trust must obtain any and all required permits that may be required to abate public nuisance at 713 Cottage Street.
4. After The Tezak Family Trust abates the nuisance at 713 Cottage Street, the Tezak Family Trust must contact the Building and Planning Department at the City of Susanville and request that an official at the City of Susanville inspect the condition of the property and buildings at 713 Cottage Street to determine if the public nuisance was abated.

- 1       5. If the Tezak Family Trust does not abate the public nuisance at 713 Cottage Street by 8:00  
2       a.m. on June 26, 2023, the City of Susanville may have the property at 713 Cottage Street  
3       abated.
- 4       6. The Tezak Family Trust shall have no further violations of the Susanville Municipal Code  
5       or violations of any statute or regulation for the State of California while under the  
6       jurisdiction of the Hearing Board and subject to this nuisance abatement order.
- 7       7. If the Tezak Family Trust does not abate the public nuisance at 713 Cottage Street by 8:00  
8       a.m. on June 26, 2023, the Susanville Planning Commission orders an administrative  
9       penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be  
10      assessed as followed:
  - 11           a. Assessment of \$500.00 per day until the nuisance abatement order has been  
12           complied with.
  - 13           b. Effective from June 26, 2023.
  - 14           c. The maximum administrative penalty shall be \$10,000, exclusive of administrative  
15           costs and interest.
- 16      8. All costs of the City's abatement efforts, including the abatement work and administrative  
17      time to investigate and to hear and effect the abatement shall be charged against the Tezak  
18      Family Trust as a personal debt or may be assessed upon 713 Cottage Street and will  
19      constitute a lien or special assessment upon the property until paid.
- 20      9. This Order shall be effective for one year after issuance. During such period, the hearing  
21      board shall retain jurisdiction over the conditions of the building, structure or property  
22      which constituted the nuisance established by this Order, as well as the abatement  
23      thereof, to ensure that the nuisance does not reoccur and that the building, structure, or  
24      property is maintained in such a manner so as not to create a nuisance. If, during this one-  
25      year period, any enforcement official determines that the same or another nuisance, as  
26      defined by this chapter exists with respect to the building, structure or property, he or she  
27      may give notice to abate the nuisance as provided for in section 8.32.060 of the City of  
28      Susanville Municipal Code. If the Tezak Family Trust does not abate the nuisance at any

1 time within the abatement period, the City may proceed with the abatement itself under  
2 the provisions of section 8.32.190 of the City of Susanville Municipal Code without further  
3 action of the hearing board. The City of Susanville may also recover all of its abatement  
4 effort costs as provided for in the City of Susanville Municipal Code.

### 5 APPEAL

6 Whenever any person is aggrieved by this final order of the Hearing Board, this person may appeal  
7 the Nuisance Abatement Order to the City Council of the City of Susanville. To request an  
8 appeal, the person aggrieved by this order shall notify the City Clerk, in writing, within twenty-  
9 one (21) days of the issuance of this order of their request to have this appeal heard by the City  
10 Council. The aggrieved person shall deposit two hundred dollars (\$200.00) to the City of  
11 Susanville. The appellant shall be responsible for all costs of such appeal which exceeds the  
12 deposited amount. If the aggrieved person requests an appeal hearing, this hearing shall be  
13 granted within forty-five (45) days of the filing appeal at a regularly scheduled meeting of the  
14 Susanville City Council. The appellant shall be notified no less than ten (10) days of the  
15 scheduled appeal hearing.

16  
17 The foregoing order was adopted at a regular meeting of the Planning Commission of the city of  
18 Susanville, held on the 13th day of June 2023.

19  
20 Dated: June 13, 2023

/s/ Melanie Westbrook

21 Melanie Westbrook

22 Susanville Planning Commission

23  
24 I, Cody Loflin, Code Enforcement Officer for the City of Susanville do attest that this copy of a  
25 Nuisance Abatement Order issued by the Susanville Planning Commission and memorialized by  
26 **Resolution of the Susanville Planning Commission No. 23-1146**, is a true and accurate copy of  
27 the order to which was signed by Melanie Westbrook, Chairperson of the Susanville Planning  
28 Commission. I declare under penalty of perjury that the foregoing is true and correct.

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Dated: September 20, 2023

*Cody Loflin*  
Cody Loflin, Code Enforcement Officer  
City of Susanville

**RESOLUTION NO. 23-1165**  
**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUSANVILLE**  
**APPROVING THE ASSESSMENT OF ADMINISTRATIVE CIVIL PENALTIES AGAINST**  
**THE PROPERTY OWNER AT 713 COTTAGE STREET (APN 103-321-020-000) FOR**  
**NONCOMPLIANCE WITH NUISANCE ABATEMENT ORDER NA2023-001**

**WHEREAS**, California Government Code Sections 36901, 38771, and 38773.5(a) authorizes the City of Susanville to enact ordinances declaring what constitutes a nuisance, the procedures for abating nuisance conditions, providing for the recovery of costs and attorney fees to abate the nuisance, and providing for the collection of civil penalties; and

**WHEREAS**, the Susanville City Council adopted Ordinance 17-1011 that declares conditions of real property that constitute a public nuisance and provides for the abatement of said nuisance conditions; and

**WHEREAS**, a public nuisance has been declared upon the property of 713 Cottage Street and attempts to bring the property into voluntary compliance have been futile; and

**WHEREAS**, the City of Susanville intend to have the property abated to remove the nuisance conditions and therefore invoke Chapter 8.32 of the Susanville Municipal Code and request the Susanville Planning Commission issue a nuisance abatement order to compel the property owners to abate and remove nuisance conditions or the city of Susanville shall be authorized to perform the necessary abatement work.

**WHEREAS**, the Susanville Planning Commission approved the issuance of a Nuisance Abatement Order NA2023-001 at a duly noticed public hearing on June 13, 2023 which ordered The Tezak Family Trust, to abate nuisance conditions at 713 Cottage Street (APN 103-321-020-000); and

**WHEREAS**, the condition of real property remains a public nuisance and in violation of nuisance abatement order NA2023-001; and

**WHEREAS**, the assessment of administrative civil penalties is authorized by Section 8.32.290 of the Susanville Municipal Code which provides for a maximum daily penalty and a maximum total penalty when considering defined factors relating to the facts presented to the Susanville Planning Commission; and

**WHEREAS**, the Planning Commission granted the property owners and agents a 60 day extension at the September 26, 2023, regularly scheduled meeting; and

**WHEREAS**, if there has not been significant progress made on abating the public nuisance outlined in the abatement order within the extension period, that Planning Commission shall proceed with upholding the associated fines in full; and

**WHEREAS**, the assessment of civil penalties relating to a nuisance abatement order does not involved any commitment to any specific project which may result in a potentially significant physical impact on the environment and is not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378 of the CEQA Guidelines.

1       **NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of  
2 Susanville hereby approves the assessment of administrative civil penalties for violations of  
3 nuisance abatement order NA2023-001 as follows:

- 4       A. Five hundred dollars (\$500.00) for each day the public nuisance existed on property  
5 located at 713 Cottage Street.  
6       B. Effective date of the assessment of administrative civil penalties shall be June 26,  
7 2023.

8       **BE IT FURTHER RESOLVED** that the Planning Commission of the City of Susanville  
9 hereby orders the maximum administrative civil penalty in the amount of ten thousand dollars  
10 (\$10,000) for 142 total days of noncompliance with nuisance abatement order NA2023-001 and  
11 orders the payment of said administrative civil penalty due by Tuesday, January 2, 2024, by  
12 4:30 p.m.

13                               APPROVED: \_\_\_\_\_  
14                                               Melanie Westbrook, Chairperson

15                               ATTEST: \_\_\_\_\_  
16                                               Heidi Whitlock, City Clerk

17       The foregoing resolution was adopted at a regular meeting of the Planning Commission  
18 of the City of Susanville, held on the 14th day of November 2023, by the following vote:

19       AYES:  
20       NOES:  
21       ABSENT:  
22       ABSTAIN:

23                                                                               \_\_\_\_\_  
24                                                                                       Heidi Whitlock, City Clerk  
25  
26  
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28