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

Susanville Planning Commission

Regular Planning Commission Meeting • City Council Chambers 66 N. Lassen Street, Susanville, CA 96130

Tuesday, August 23, 2022 – 5:30 PM

CALL TO ORDER
ROLL CALL

1. **APPROVAL OF AGENDA:**

2. **BUSINESS FROM THE FLOOR:**

3. **CONSENT ITEMS:**

   3.A Receive and file minutes of the July 12, 2022, meeting.

   3.B Receive and file minutes of the August, 9, 2022, meeting

4. **PUBLIC HEARINGS:**

   4.A Consider Second 1 Year Extension for UP#18-006

5. **NEW BUSINESS:**

   5.A Presentation for Commissioners regarding the California Environmental Quality Act (CEQA), Zoning, General Plan Designations, and overview of Commissioner Roles and Responsibilities.

6. **CORRESPONDENCE:**

7. **COUNTY REFERRALS:**

8. **ADJOURNMENT:**

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.

ACCESSABILITY: 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.

AGENDA ITEM NO. 3.A
Action Item

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By:	Ruth McElrath, Building & Planning Division
Action Date:	August 23, 2022
SUBJECT:	Receive and file minutes of the July 12, 2022, meeting.
PRESENTED BY:	Ruth McElrath, Building & Planning Division
SUMMARY:	Staff is presenting minutes of the July 12, 2022, meeting.
FISCAL IMPACT:	None
ACTION REQUESTED:	Receive and file minutes of the July 12, 2022, meeting.

ATTACHMENTS:
P.C. 7.12.22 min.pdf

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

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

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

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

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

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

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

1. APPROVAL OF AGENDA:

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

Motion Carried: 4 - 0
Voting For: Rod DeBoer, James Merchant, Melanie Westbrook, and Wayne Jambois.
Voting Against: None

2. BUSINESS FROM THE FLOOR:

3. CONSENT ITEMS:

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

P.C. 4.26.22 min..pdf

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

Motion Carried: 4- 0
Voting For: Melanie Westbrook, James Merchant, Rod DeBoer, and Wayne Jambois
Voting Against: None

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

P.C. 5.24.222 minutes.pdf

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

Motion Carried: 4- 0
Voting For: James Merchant, Melanie Westbrook, Rod DeBoer and Wayne Jambois.
Voting Against: None

4. PUBLIC HEARINGS:

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

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

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

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

Public hearing opened at 5:40 p.m.

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

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

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

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

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

Mr. Loflin presents exhibits A through J.

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

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

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

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

Chair Jambois opens public comment.

No comments given in favor or against the action.

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

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

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

Public hearing closed at 5:58 p.m.

Nuisance Abatement Order Staff Report - 2440 Main St.docx
Exhibit List 2440 Main St.pdf
Resolution 22-1107.docx

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

Motion Carried: 4-0
Voting For: Rod DeBoer, James Merchant, Melanie Westbrook, and Wayne Jambois.
Voting Against: None

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

Public hearing opened at 5:58 p.m.

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

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

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

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

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

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

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

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

Chair Jambois asked if the building was salvageable.

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

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

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

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

Public hearing closed at 6:25 p.m.

Nuisance Abatement Order Staff Report - 560 Hospital Lane.docx
Exhibit List 560 Hospital Ln.pdf
Resolution 22-1108.docx

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

Motion Carried: 4- 0
Voting For: James Merchant, Melanie Westbrook, Rod DeBoer and Wayne Jambois
Voting Against: None

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

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

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

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

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

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

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

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

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

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

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

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

Chair Jambois noted the inspection of the restaurant failed.

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

Nuisance Abatement Order Staff Report - 1705 Main Street.docx
Exhibit List 1705 Main St.pdf
Resolution 22-1113.docx

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

Motion Carried: 4- 0
Voting For: Melanie Westbrook, James Merchant, Rod DeBoer, and Wayne Jambois
Voting Against: None

5. NEW BUSINESS:

5.A Consider appointment of Chair and Vice Chair

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

Motion Carried: 4-0
Voting For: Rod Deboer, James Merchant, Melanie Westbrook, and Wayne Jambois.
Voting Against: None

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

Motion Carried: 4-0
Voting For: Melanie Westbrook, Rod DeBoer, James Merchant and Wayne Jambois.
Voting Against: None

6. CORRESPONDENCE: NONE

7. COUNTY REFERRALS: NONE

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

AGENDA ITEM NO. 3.B
Action Item

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By:	Ruth McElrath, Building & Planning Division
Action Date:	August 23, 2022
SUBJECT:	Receive and file minutes of the August, 9, 2022, meeting
PRESENTED BY:	Ruth McElrath, Building & Planning
SUMMARY:	Staff is presenting minutes from the August 9, 2022 meeting
FISCAL IMPACT:	None
ACTION REQUESTED:	Receive and file minutes of the August 9, 2022, meeting

ATTACHMENTS:
P.C. 8.9.22 min..pdf

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

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

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

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

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

3. **CONSENT ITEMS:**

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

   P.C. 6.28.22 min. .pdf

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

4. **PUBLIC HEARINGS:**

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

   Public hearing opened at 5:32 p.m.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public hearing opened at 5:56 p.m.

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

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

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

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

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

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

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

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

Mr. Loflin agreed.

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

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

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

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

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

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

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

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

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

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

Ms. Jones asked how long the process would take.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Loflin confirmed they were.

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

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

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

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

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

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

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

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

Mr. Valentine questioned the homeless encampments.

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

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

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

5. NEW BUSINESS:

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

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

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

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

Planning Commission Resolution 22-1117.docx

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

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

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

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

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

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

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

Planning Commission Resolution 22-1118.docx

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

5.C Nuisance Abatement Order Update
Discussion Only.

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

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

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

6. CORRESPONDENCE: NONE

7. COUNTY REFERRALS: NONE

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

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

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

AGENDA ITEM NO. 4.A
Public Hearing

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By: Kelly Mumper, Building & Planning Division

Action Date: August 23, 2022

SUBJECT: Consider Second 1 Year Extension for UP#18-006

PRESENTED BY:

SUMMARY:

FISCAL IMPACT: Return of prorated building department fees. Planning application fees have been expended and are non refundable.

ACTION REQUESTED: Rescind Resolution No. 19-1073 and Revoke UP#18-006.

ATTACHMENTS:
Staff Report.docx
19-1073.pdf
22-1119 Approving Extension .docx
22-1119 Rescinding.docx
Project Timeline.pdf

FILE NO. Architectural Review/Use Permit Number 18-006

CITY OF SUSANVILLE PLANNING COMMISSION
STAFF FINDINGS
August 23, 2022

APPLICANT	Sukhminder Singh
OWNER	Sukhminder Singh
REPRESENTATIVE	Sukhminder Singh
REQUEST	Extend the Use Permit 1 year. Proposal to construct an Arco fueling station with 12 filling points on 6 dispensers with underground tanks, a 3,400 SF Arco am/pm convenience store, 2.080 SF of retail space and a drive-thru carwash.
ASSESSOR'S PARCEL NO	105-320-022-000
PARCEL SIZE	(1.0 Acre)+-
LOCATION	2650 Main Street
EXISTING ZONING	C-2 (General Commercial/Shopping Center Zoning District).
SURROUNDING ZONING	North:C-2 South:C-2 East:C-2 West:C-2
SURROUNDING LAND USE	Commercial
GENERAL PLAN DESIGNATION	*General Commercial/Shopping Center*
ENVIRONMENTAL DETERMINATION	The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15270.

COMMENTS RECEIVED:

1. Building Department:

A. If the Use Permit extension is approved, provide engineered building plans for all project phases designed by a licensed professional that follows the current California Building Code cycle as adopted per the Susanville Municipal Code Chapter 15. Said plans are now two building code cycles old.

ANALYSIS:

The applicant is requesting an extension to a previously approved Use Permit and Architectural and Site Plan Review to construct an Arco fueling station with 12 filling points on 6 dispensers with underground tanks, a 3,400 SF Arco am/pm convenience store, 2.080 SF of retail space and a drive-thru carwash in a C-2 (General Commercial/Shopping Center) zoning district on that property known as Assessor's Parcel Number 105-320-22, located at 2650 Main Street.

BACKGROUND:

It has been approximately 3 years and 2 months since the original approval of this Use Permit and Architectural Site Plan Review. The project applicant has experienced ranging issues commencing the project. In fact, construction has still not commenced. Staff has prepared multiple exhibits and findings below for the Planning Commission to review and consider.

1. The proposed project was approved on June 25, 2019 and has not been constructed nor has construction commenced.
2. The proposed project has already received a one-year extension. (see attachments).
3. The subject property has become an attractive nuisance for transients and homeless.
4. The subject property owner has failed to abate all on site weeds and vegetation prior to the weed abatement deadline as outlined by the Susanville Municipal Code.
5. On May 31, 2022, the subject property owner paid for a demolition permit and a gas canopy permit. Both checks for the payment of said permits were returned due to insufficient funds, and no work has been done.
6. On May 31, 2022, after paying for said permits, the property owner gave the City Planner and Code Enforcement Officer assurance that the property would be cleaned up, old buildings demolished, and the entire site would be secured until the project could proceed. A small fence was installed by the applicant and has since been knocked over rendering it useless.

ENVIRONMENTAL REVIEW:

The City of Susanville City Planner/ Environmental Review Officer has determined that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15270, which exempts projects that are disapproved or rescinded.

STAFF RECOMMENDATION:

As proposed, the project is consistent with Chapter 17 of the Susanville Municipal Code and the *City of Susanville General Plan, 1990-2010*. The Planning Commission may choose to approve, disapprove, or defer the decision to the City Council. Should the Planning Commission choose to approve the Use Permit extension request, the conditions of approval are outlined as shown in Resolution No. 22-1119 and have only minor changes from the original adopting Resolution No. 19-1073. If the Planning Commission decides to disapprove the project and or approve the rescinding Resolution, the applicants may appeal to the City Council. In the interest of the subject property

potentially being sold to a more suitable developer, staff recommends approval of the rescinding Resolution based on the findings provided by staff, with the stated conditions outlined in Resolution No. 22-1119. Should the applicant be in a more suitable position to pursue the project in the future, the City of Susanville will happily accept new Use Permit and Architectural Review applications accordingly.

RESOLUTION NO 19-1073

A RESOLUTION OF THE SUSANVILLE PLANNING COMMISSION APPROVING THE USE PERMIT AND ARCHITECTURAL DESIGN AND SITE PLAN REVIEW - APPLICATION NUMBER U 18-006 FILED BY SUKHMINDER SINGH FOR A SERVICE STATION WITH CAR WASH AND CONVENIENCE STORE

WHEREAS, Sukhminder Singh has submitted an application for a Use Permit and Architectural and Site Plan Review to construct an Arco fueling station with 12 filling points on 6 dispensers with underground tanks, a 3,400 SF Arco am/pm convenience store, 2.080 SF of retail space and a drive-thru carwash in a C-2 (General Commercial/Shopping Center) zoning district on that property known as Assessor's Parcel Number 105-320-22, located at 2650 Main Street; and

WHEREAS, the City of Susanville Planning Division has determined that the project is categorically exempt under Article 19, Section 15322 of the CEQA guidelines; and

WHEREAS, the Susanville Planning Commission at a duly noticed public hearing held during its regular meeting of June 25, 2019, considered both written and oral comments presented concerning the proposed architectural and site plan review; and

NOW, THEREFORE, BE IT RESOLVED the City of Susanville Planning Commission makes the following independent findings of fact concerning the proposed Use Permit and Architectural and Site Plan Review:

1. The proposed project is consistent with the General Plan and the Design Review Overlay District.

2. The architecture and general appearance of the proposed development and related improvements as conditioned will be in keeping with the character of the surrounding neighborhood.

3. That the establishment, maintenance, or operation of the subject use, building or facilities applied for will not, under the circumstances of the particular use and 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.

5. The proposed project is in the public interest providing support to critical infrastructure for city residents.

6. That the required public improvements are necessary for the public health, safety, welfare and orderly development of the area and are in accordance with adopted standards of the City of Susanville and other jurisdictions having control over development in this area.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves Use Permit U 18-006 and the Architectural and Site Plan Review application filed by Sukhminder Singh to allow the construction of a service station with associated facilities in general conformity with the site plan, floor plans and elevations stamped "CITY OF SUSANVILLE RECEIVED March 11, 2019, BUILDING & PLANNING" except as modified by the following terms, agreements and conditions contained in this Resolution:

AREA/ SITE SPECIFIC CONDITIONS

1. Provide plans showing the additional landscaping/trees to be installed.

2. Prior to construction developer must submit building colors and materials to the Building and Planning Division for final approval.

3. This permit will become null and void if the approved use has not begun within 24 months 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.

FEES & OTHER CHARGES

4. All standard mitigation fees and utility hookup fees apply to this project, unless waived or modified by individual providers.

STANDARD CONDITIONS

GENERAL

5. The requirements of all concerned governmental agencies having jurisdiction by law, including but not limited to the issuance of appropriate permits, shall be met.

6. For the purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

7. All contractors and sub-contractors involved in the project shall obtain a City of Susanville Business License and maintain said license in force for the duration of the project.

8. The applicant/owner shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures, collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that developer shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the developer of any Action brought and City shall cooperate with developer in the defense of the Action.

IMPROVEMENT PLANS

9. Prior to the issuance of any building permits, improvement plans shall be submitted to and be approved by the City. All improvements shall be installed in accordance with said improvement plans prior to the issuance of a certificate of occupancy.

AIR QUALITY

10. All activities associated with a building site shall be conducted in a manner to control fugitive dust emissions through the use of dust palliative agents or the use of water to mitigate offsite impacts in accordance with Lassen County Air Quality District adopted regulations.

GENERAL UTILITIES

11. The owner/developer shall pay the cost for rearrangement, relocation, or removal of any utilities caused by any construction activity, whether inside or outside of the project where such work is a condition of or necessary to serve the project.

12. All new or relocated utility lines shall be placed underground and easements shall be provided if required.

WATER AND NATURAL GAS

13. The improvement plans for any water supply and natural gas supply shall be reviewed and approved by the City prior to the installation of the facilities. Water supply main lines, meters, appurtenant facilities, and service connections to the site shall be installed in accordance with the construction and testing standards of the City of Susanville.

14. All natural gas mains and service lines and appurtenances for the proposed project will be installed by the City of Susanville or its qualified contractor at the expense of the developer and to City construction standards.

15. The developer shall pay all inspection, capital improvement and facilities fees, connection and other capacity charges or fees as established by the City for the water supply and natural gas.

ELECTRIC

16. Contact Lassen Municipal Utility District before construction or before any electrical design is started for the project and complies with LMUD standards and specifications. All utility lines shall be placed underground.

SEWER

17. Owner/developer shall comply with all Susanville Sanitary District requirements.

FIRE

18. The project shall meet the fire and life safety requirements of the State Fire Marshall's Office.

LANDSCAPING

19. Prior to issuance of a building permit, irrigation and landscaping plan (including the species, size and placement of trees and shrubs) shall be submitted to the Community Development Department for approval. Trees and shrubs required by code shall be a minimum 1 ½" caliper and 75% of the shrubs shall be a minimum of 5 gallon size, 25% may be 2 gallon containers. Size of additional plantings not required by code may be alternate sizes. The landscape and irrigation improvements identified in the approved construction plans shall be installed prior to the issuance of a Certificate of Occupancy unless otherwise provided for. All landscaping shall be maintained in a healthy and growing condition. Landscaping in the City Right-of-Way will require a maintenance agreement.

LIGHTING

20. For any new lighting, a plan shall be submitted that shows the location, height, type and spread of exterior lighting on the site. All lighting shall be downward directional and include full cut-off fixtures to protect the Susanville night sky and adjacent parcels from unsightly glare. New on-site lighting shall conform to Section 17.96.050 of the City of Susanville Municipal Code.

APPROVED: _____
Linda Robinette, Chairperson
Planning Commission
City of Susanville, State of California

ATTEST: _____
Gwenna MacDonald, City Clerk
Secretary to the Planning Commission

The foregoing resolution was introduced and adopted at a regular meeting of the Susanville Planning Commission held on the 25th day of June, 2019, by the following vote:

AYES:	Foster, Westbrook, Dowdy, Jambois and Robinette
NOES:	None
ABSENT:	None
ABSTAIN:	None

_____
Gwenna MacDonald, City Clerk
Secretary to the Planning Commission

_____
Jessica Ryan, City Attorney

RESOLUTION NO 22-1119

A RESOLUTION OF THE SUSANVILLE PLANNING COMMISSION APPROVING A ONE YEAR EXTENSION FOR USE PERMIT AND ARCHITECTURAL DESIGN AND SITE PLAN REVIEW - APPLICATION NUMBER U 18-006 FILED BY SUKHMINDER SINGH FOR A SERVICE STATION WITH CAR WASH AND CONVENIENCE STORE

WHEREAS, Sukhminder Singh has an approved application for a Use Permit and Architectural and Site Plan Review to construct an Arco fueling station with 12 filling points on 6 dispensers with underground tanks, a 3,400 SF Arco am/pm convenience store, 2.080 SF of retail space and a drive-thru carwash in a C-2 (General Commercial/Shopping Center) zoning district on that property known as Assessor's Parcel Number 105-320-22, located at 2650 Main Street; and

WHEREAS, the City of Susanville Planning Division determined that the project is categorically exempt under Article 19, Section 15322 of the CEQA guidelines; and

WHEREAS, the Susanville Planning Commission at a duly noticed public hearing held during its regular meeting of June 25, 2019, considered both written and oral comments presented concerning the proposed architectural and site plan review, and approved said project; and

WHEREAS, the property owner requested a second, one year extension in writing on June 22, 2022; and

WHEREAS, the Susanville Planning Commission at a duly noticed public hearing held during its regular meeting of August, 23, 2022, considered both written and verbal projects regarding the Use Permit extension request;

NOW, THEREFORE, BE IT RESOLVED the City of Susanville Planning Commission makes the following independent findings of fact concerning the proposed Use Permit and Architectural and Site Plan Review:

1. The proposed project is consistent with the General Plan and the Design Review Overlay District.

2. The architecture and general appearance of the proposed development and related improvements as conditioned will be in keeping with the character of the surrounding neighborhood.

3. That the establishment, maintenance, or operation of the subject use, building or facilities applied for will not, under the circumstances of the particular use and 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.

5. The proposed project is in the public interest providing support to critical infrastructure for city residents.

6. That the required public improvements are necessary for the public health, safety, welfare and orderly development of the area and are in accordance with adopted standards of the City of Susanville and other jurisdictions having control over development in this area.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves the one-year extension request received on June 22, 2022 from Mr. Sukhminder Singh, for Use Permit U 18-006 and the Architectural and Site Plan Review application filed by Sukhminder Singh to allow the construction of a service station with associated facilities. This Use Permit shall become null and void if construction has not commenced by August 23, 2023, except as modified by the following terms, agreements and conditions contained in this Resolution:

AREA/ SITE SPECIFIC CONDITIONS

1. Provide plans showing the additional landscaping/trees to be installed.

2. Prior to construction developer must submit building colors and materials to the Building and Planning Division for final approval.

3. This permit will become null and void if the approved use has not begun within 24 months 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.

FEES & OTHER CHARGES

4. All standard mitigation fees and utility hookup fees apply to this project, unless waived or modified by individual providers.

STANDARD CONDITIONS

GENERAL

5. The requirements of all concerned governmental agencies having jurisdiction by law, including but not limited to the issuance of appropriate permits, shall be met.

6. For the purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

7. All contractors and sub-contractors involved in the project shall obtain a City of Susanville Business License and maintain said license in force for the duration of the project.

8. The applicant/owner shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures, collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's

defense, and that developer shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the developer of any Action brought and City shall cooperate with developer in the defense of the Action.

IMPROVEMENT PLANS

9. Prior to the issuance of any building permits, improvement plans shall be submitted to and be approved by the City. All improvements shall be installed in accordance with said improvement plans prior to the issuance of a certificate of occupancy. New plans will be required to reflect the current California Building Code when the project is ready to proceed.

AIR QUALITY

10. All activities associated with a building site shall be conducted in a manner to control fugitive dust emissions through the use of dust palliative agents or the use of water to mitigate offsite impacts in accordance with Lassen County Air Quality District adopted regulations.

GENERAL UTILITIES

11. The owner/developer shall pay the cost for rearrangement, relocation, or removal of any utilities caused by any construction activity, whether inside or outside of the project where such work is a condition of or necessary to serve the project.

12. All new or relocated utility lines shall be placed underground and easements shall be provided if required.

WATER AND NATURAL GAS

13. The improvement plans for any water supply and natural gas supply shall be reviewed and approved by the City prior to the installation of the facilities. Water supply main lines, meters, appurtenant facilities, and service connections to the site shall be installed in accordance with the construction and testing standards of the City of Susanville.

14. All natural gas mains and service lines and appurtenances for the proposed project will be installed by the City of Susanville or its qualified contractor at the expense of the developer and to City construction standards.

15. The developer shall pay all inspection, capital improvement and facilities fees, connection and other capacity charges or fees as established by the City for the water supply and natural gas.

ELECTRIC

16. Contact Lassen Municipal Utility District before construction or before any electrical design is started for the project and complies with LMUD standards and specifications. All utility lines shall be placed underground.

SEWER

17. Owner/developer shall comply with all Susanville Sanitary District requirements.

FIRE

18. The project shall meet the fire and life safety requirements of the State Fire Marshall's Office.

LANDSCAPING

19. Prior to issuance of a building permit, irrigation and landscaping plan (including the species, size and placement of trees and shrubs) shall be submitted to the Community Development Department for approval. Trees and shrubs required by code shall be a minimum 1 ½" caliper and 75% of the shrubs shall be a minimum of 5 gallon size, 25% may be 2 gallon containers. Size of additional plantings not required by code may be alternate sizes. The landscape and irrigation improvements identified in the approved construction plans shall be installed prior to the issuance of a Certificate of Occupancy unless otherwise provided for. All landscaping shall be maintained in a healthy and growing condition. Landscaping in the City Right-of-Way will require a maintenance agreement.

LIGHTING

20. For any new lighting, a plan shall be submitted that shows the location, height, type and spread of exterior lighting on the site. All lighting shall be downward directional and include full cut-off fixtures to protect the Susanville night sky and adjacent parcels from unsightly glare. New on-site lighting shall conform to Section 17.96.050 of the City of Susanville Municipal Code.

APPROVED: _____

Melanie Westbrook, Chairperson
Planning Commission
City of Susanville, State of California

ATTEST: _____

Heidi Whitlock, City Clerk
Secretary to the Planning Commission

The foregoing resolution was introduced and adopted at a regular meeting of the Susanville Planning Commission held on the 23rd day of August, 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____

Heidi Whitlock, City Clerk
Secretary to the Planning Commission

RESOLUTION NO 22-1119
A RESOLUTION OF THE SUSANVILLE PLANNING COMMISSION RESCINDING RESOLUTION NO. 19-1073 FOR USE PERMIT AND ARCHITECTURAL DESIGN AND SITE PLAN REVIEW - APPLICATION NUMBER U 18-006 FILED BY SUKHMINDER SINGH FOR A SERVICE STATION WITH CAR WASH AND CONVENIENCE STORE

WHEREAS, Sukhminder Singh has an approved application for a Use Permit and Architectural and Site Plan Review to construct an Arco fueling station with 12 filling points on 6 dispensers with underground tanks, a 3,400 SF Arco am/pm convenience store, 2.080 SF of retail space and a drive-thru carwash in a C-2 (General Commercial/Shopping Center) zoning district on that property known as Assessor's Parcel Number 105-320-22, located at 2650 Main Street; and

WHEREAS, the City of Susanville Planning Division determined that the projects which are disapproved, are categorically exempt under Article 19, Section 15270 of the CEQA guidelines; and

WHEREAS, the Susanville Planning Commission at a duly noticed public hearing held during its regular meeting of June 25, 2019, considered both written and oral comments presented concerning the proposed architectural and site plan review, and approved said project; and

WHEREAS, the property owner requested a second, one year extension in writing on June 22, 2022; and

WHEREAS, the Susanville Planning Commission at a duly noticed public hearing held during its regular meeting of August, 23, 2022, considered both written and verbal projects regarding the Use Permit extension request;

NOW, THEREFORE, BE IT RESOLVED the City of Susanville Planning Commission makes the following independent findings of fact concerning the proposed Use Permit extension request:

1. The proposed project was approved on June 25, 2019, and has not been constructed nor has construction commenced.
2. The proposed project has already received a one-year extension.
3. The subject property has become an attractive nuisance for transients and homeless.
4. The subject property owner has failed to abate all on site weeds and vegetation prior to the weed abatement deadline as outlined by the Susanville Municipal Code.
5. On May 31, 2022, the subject property owner paid for a demolition permit and a gas canopy permit. Both checks for the payment of said permits were returned due to insufficient funds, and no work has been done.
6. On May 31, 2022, after paying for said permits, the property owner gave the City Planner and Code Enforcement Officer assurance that the property would be cleaned up, old buildings demolished, and the entire site would be secured until the project could proceed. A small fence was installed by Guy Rents via the applicant and has since been knocked over rendering it useless.
7. The establishment, maintenance, or operation of the subject use, building or facilities applied for **will**, under the circumstances of the particular use and 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.

BE IT FURTHER RESOLVED, the Planning Commission hereby rescinds/revokes Use Permit UP #18-006 and the Architectural and Site Plan Review application filed by Sukhminder Singh to allow the construction of a service station with associated facilities in general conformity with the site plan, floor plans and elevations stamped "CITY OF SUSANVILLE RECEIVED March 11, 2019, BUILDING & PLANNING" and rescinds Resolution No. 19-1073:

APPROVED: _____

Melanie Westbrook, Chairperson
Planning Commission
City of Susanville, State of California

ATTEST: _____

Heidi Whitlock, City Clerk
Secretary to the Planning Commission

The foregoing resolution was introduced and adopted at a regular meeting of the Susanville Planning Commission held on the 23rd day of August 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____

Heidi Whitlock, City Clerk
Secretary to the Planning Commission

Kelly Mumper

From: Kelly Mumper
Sent: Thursday, August 11, 2022 11:28 AM
To: Eugene Nguyen; Ruth McElrath; Charles Nattland
Cc: Sukhminder Singh; Dow Davis; Erik Edholm; Hailey Hanna
Subject: RE: 18165 AM|PM Susanville, Extension Request

Good morning, the status of your request for an extension on the Use Permit will be determined by the Planning Commission at the next regularly scheduled meeting to be held on Tuesday, August 23, 2022, at 5:30 PM at 66 N. Lassen St. in the City Council Chambers.

Mr. Kelly Mumper
City Planner
66 North Lassen Street
Susanville, CA 96130
Office: (530) 252-5104
Fax: (530) 252-5109
kmumper@cityofsusanville.org
http://www.qcode.us/codes/susanville/

From: Eugene Nguyen <eugene.nguyen@CSHQA.com>
Sent: Thursday, August 11, 2022 11:11 AM
To: Ruth McElrath <rellis@cityofsusanville.org>; Charles Nattland <charles.nattland@cshqa.com>
Cc: Sukhminder Singh <sukhi01@hotmail.com>; Kelly Mumper <kmumper@cityofsusanville.org>; Dow Davis <ddavis@cityofsusanville.org>; Erik Edholm <eedholm@cityofsusanville.org>; Hailey Hanna <hhanna@cityofsusanville.org>
Subject: RE: 18165 AM|PM Susanville, Extension Request

Good morning Ruth,

I wish to follow up with you on the status of the Use Permit and building permit. Any updates you can provide?

Best regards,

Eugene Nguyen | CSHQA
Architecture
701 University Ave, Ste 210 • Sacramento, CA 95825 | T 916.231.0881 | D 916.231.0884

people who listen • design that speaks
an employee-owned company
CSHQA

From: Ruth McElrath <rellis@cityofsusanville.org>
Sent: Tuesday, July 12, 2022 11:51 AM

To: Charles Nattland <charles.nattland@cshqa.com>; Eugene Nguyen <eugene.nguyen@CSHQA.com>
Cc: Sukhminder Singh <sukhi01@hotmail.com>; Kelly Mumper <kmumper@cityofsusanville.org>; Dow Davis <ddavis@cityofsusanville.org>; Erik Edholm <eedholm@cityofsusanville.org>; Hailey Hanna <hhanna@cityofsusanville.org>
Subject: RE: 18165 AM|PM Susanville, Extension Request

Good afternoon:

Please find the attached response from City Planner Kelly Mumper regarding the Use Permit for the am/pm ARCO project. The request to extend the building permit is still under review.

Sincerely,

Ruth McElrath
Building Permit Technician

City of Susanville
66 N. Lassen St.
Susanville, CA 96130
(530) 252-5118

From: Charles Nattland <charles.nattland@cshqa.com>
Sent: Saturday, June 18, 2022 10:08 AM
To: Ruth McElrath <rellis@cityofsusanville.org>; Eugene Nguyen <eugene.nguyen@CSHQA.com>
Cc: Sukhminder Singh <sukhi01@hotmail.com>; Kelly Mumper <kmumper@cityofsusanville.org>; Dow Davis <ddavis@cityofsusanville.org>; Erik Edholm <eedholm@cityofsusanville.org>; Kayla Neely <kneely@cityofsusanville.org>; Hailey Hanna <hhanna@cityofsusanville.org>
Subject: 18165 AM|PM Susanville, Extension Request

Ruth
We would like to request an extension for the applications set to expire for the Arco AMPM proposed on the corner of Main Street and Rob's Way. Please let us know if this is possible and what requirements we must comply with to be granted the extension.
As always, thank you for your assistance.

Charlie Nattland | CSHQA
Architecture • Senior Associate
701 University Ave, Ste 210 • Sacramento, CA 95825 | D 916.231.0883 | C 916.205.9304

From: Ruth McElrath <rellis@cityofsusanville.org>
Sent: Friday, May 6, 2022 11:08 AM
To: Eugene Nguyen <eugene.nguyen@CSHQA.com>
Cc: Sukhminder Singh <sukhi01@hotmail.com>; Kelly Mumper <kmumper@cityofsusanville.org>; Dow Davis <ddavis@cityofsusanville.org>; Erik Edholm <eedholm@cityofsusanville.org>; Kayla Neely <kneely@cityofsusanville.org>; Hailey Hanna <hhanna@cityofsusanville.org>
Subject: Arco Am/PM update

Hi Eugene,

It was good speaking with you regarding the update on the Arco AM/PM project. We are looking forward to seeing the project begin this month as you had indicated over the phone.

I did want to let you know that if construction does not begin by June 25, 2022 the City Planning Department has the discretion to require a new Use Permit be secured.

In addition, as previously mentioned in an email dated Jan. 8, 2021, any existing building being demolished will need a separate demo permit. As such, based on the age of the building and the fact it was used for commercial purposes, asbestos testing will more than likely need to be conducted. If the building does have asbestos, a licensed hazardous materials contractor will need to abate the project.

Whether asbestos is found or not, a notification must be sent to the US EPA and the California Air Resources Board 10 days prior to demolition. I have included the address for the EPA and email address for the air resources board below.

US EPA
Pacific Southwest, Region 9
75 Hawthorne St.
San Francisco, CA 94105

asbestos@arb.ca.gov

A demo permit fee is $204.00.

If you have questions or concerns, please let me know.

Sincerely

Ruth McElrath
Building Permit Technician

City of Susanville
66 N. Lassen St.
Susanville, CA 96130
(530) 252-5118

Kelly Mumper

From: Ruth McElrath
Sent: Wednesday, June 22, 2022 4:19 PM
To: Kelly Mumper; Dow Davis
Cc: Erik Edholm; Hailey Hanna; Kayla Neely
Subject: FW: Susanville Arco ampm Main Street/ Robs way.

From: Sukhminder Singh <sukhi01@hotmail.com>
Sent: Wednesday, June 22, 2022 4:18 PM
To: Ruth McElrath <rellis@cityofsusanville.org>
Subject: Susanville Arco ampm Main Street/ Robs way.

Hi,
Ruth!

The SBA banks is taking too long to fund the project. As a owner I already invested $ 1.5 millions to buy the land , developments and permits. I am on the mercy of financing institutions. I consulted my builder and advised that even funding at year end will not help as of snow season.

Keeping in mind securing finances and weather situation, I will request for one year extension. Please help me so that I can successfully complete the project.

Thanks a lot.
Regards,
Sukhminder Singh
8189361665

City of Susanville

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

May 12, 2021

Eugene Nguyen
CSHQA
701 University Ave Suite 210
Sacramento, CA 95825

RE: Arco AM/PM Building Permit and Use Permit Extension

To who it may concern;

This letter is to inform you that the City of Susanville received your request for a building permit (No. 19-262) and use permit extension (Resolution 19-1973) on May 6, 2021. Your request for a building permit extension is hereby approved.

Your request to extend the use permit will be decided by the City of Susanville Planning Commission at its regularly scheduled meeting to be held on Tuesday, June 22, 2021 at 6:30 PM in the City Hall Council Chambers. If you have questions regarding this letter, please contact Kelly Mumper, City Planner/Code Enforcement Officer at (530) 252-5104.

Respectfully,

Kelly Mumper

Mr. Kelly Mumper, City Planner/Code Enforcement Officer

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

City of Susanville

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

May 28, 2021

Eugene Nguyen
CSHQA
701 University Ave Suite 210
Sacramento, CA 95825

RE: Arco AM/PM Building Permit and Use Permit Extension

To who it may concern;

This letter is to inform you that the City of Susanville received your request for a building permit (No. 19-262) and use permit extension (Resolution 19-1973) on May 6, 2021. Your request for a building permit extension remains approved as stated in our previous later to you dated May 12, 2021..

After further review, your request to extend the use permit by the City of Susanville Planning Commission at its regularly scheduled meeting to be held on Tuesday, June 22, 2021 at 6:30 PM in the City Hall Council Chambers will **not be required**. The City Planner and City Administrator have determined that because you applied for a building permit for the proposed project, that a Use Permit extension will not be required by the Planning Commission. The Planning Commission meeting date as mentioned above has been cancelled.

If you have questions regarding this letter, please contact Kelly Mumper, City Planner/Code Enforcement Officer at (530) 252-5104.

Respectfully,

Kelly Mumper

Mr. Kelly Mumper, City Planner/Code Enforcement Officer

Mendy Schuster
Mayor
Brian Moore
Mayor pro tem

Councilmembers:
Quincy McCourt
Kevin Stafford
Thomas Hererra

City of Susanville

(530) 252-5118 • 66 North Lassen Street • Susanville, CA 96130-3904

May 14, 2020

Charles Nattland (CSHQA)
1450 Harbor Blvd. Suite A
W. Sacramento, CA 95691

RE: Building Permit Entitlement No. 19-262 / Parcel Map No. ARCO AM/PM Mini Mart Main St. (SR36) Susanville, CA 96130

To whom it may concern:

This letter is to inform you that the City of Susanville received correspondence from Caltrans District 2, on February 28, 2020, regarding the subject project. Said correspondence outlines a conflict with an existing Caltrans drainage easement on the project site. As you are well aware of, a new easement will have to be recorded and approved by the California Transportation Commission to remedy this issue.

Due to it being a land acquisition and vacation process the State is requiring this and has informed City staff that this process could take up to six months to complete. It is our understanding that Caltrans is currently working with the property owner to resolve this issue.

The City of Susanville has agreed to honor the State's request that all entitlements be withheld until such time as the easement relocation is resolved and no potential impacts to the applicants site plan will occur as a result. Staff believes this is in the best interest of the applicant and City given the situation and unknown results of the CTC action regarding the easement relocation.

Therefore, the City of Susanville will not proceed with building plan check/review until after the easement issue is resolved. In addition, the project also includes a parcel map that will need to be modified to reflect the new easement, with approved bearing and distance (or metes and bounds) survey data in an accepted legal description. Once provided to staff and reviewed, submittal to the City Council for approval can occur and the map can be forwarded to the County for recording.

The City of Susanville appreciates your cooperation regarding this matter and is looking forward to moving forward with the project once the easement issue has been resolved. If you have any questions regarding this letter, please contact Daniel Gibbs, City of Susanville, Public Works Director, or Dow Davis, City Building Inspector.

Sincerely,

Kevin Jones, Interim City Administrator

Enclosures

Kevin Stafford
Mayor
Joseph Franco
Mayor pro tem

Council members:
Mendy Schuster
Brian Moore
Brian Wilson

CC: Owner: Singh Sukhminder
Tony Pascual, Caltrans District 2 Encroachments
Dow Davis, Building Inspector
Daniel Gibbs, Acting Public Works Director
Jeff Morish, NST Engineering
County Surveyors office

PLANNING COMMISSION AGENDA

City Council Chambers

66 North Lassen Street, Susanville, CA 96130
Phone (530) 252-5117 Fax (530)257-4725

Tuesday June 25, 2019 – 6:30 P.M.

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

CONSIDER APPOINTMENT OF VICE CHAIR

BUSINESS FROM THE FLOOR (NO ACTION TO BE TAKEN)

APPROVAL OF MINUTES:
5.28.19

NON-PUBLIC HEARING ITEMS:

1. Consider approval of Resolution 19-072 approving a Tentative Parcel Map on property located at the Southeast corner of Main Street and Rob's Way File Number (PM 18-011).

PUBLIC HEARING ITEMS:

1. Consider approval of Resolution 19-073 approving the Use Permit and Architectural design and site plan review for application number U 18-006 filed by Sukhminder Singh for a service station with car wash and a convenience store.

CORRESPONDENCE: None

CITY ATTORNEY REPORT: None

COUNTY REFERRALS: None

COMMISSION ITEMS:

ADJOURNMENT

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.
ACCESSABILITY: 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.

SUSANVILLE PLANNING COMMISSION
CHAIR PERSON Linda Robinette
COMMISSIONERS ~ Dan Foster, Alan Dowdy, Wayne Jambois, Melanie Westbrook

`CITY OF SUSANVILLE PLANNING COMMISSION
STAFF REPORT
June 25, 2019

FILE NUMBER	Use Permit # U 18-006		
APPLICANT/OWNER	Sukhminder Singh		
REPRESENTATIVE	NST Engineering, Inc.		
REQUEST	Use Permit and Architectural Design and Site Plan Review to allow a service station with a car wash and convenience store.		
ASSESSORS PARCEL NO.	105-320-22		
PARCEL SIZE	Overall parcel is 2.18 acres		
LOCATION	2650 Main Street		
EXISTING ZONING	C-2 (General Commercial/Shopping Center) District		
SURROUNDING ZONING AND LAND USE		**ZONING**	**LAND USE**
	North	C-2	Shopping Center
	South	C-2	Undeveloped parcel, then Social Security Office beyond that
	East-	C-2	Medical Supply business, then Motel
	West	C-2	Panda Express and Tractor Supply
GENERAL PLAN DESIGNATION	General Commercial/Shopping Center		
ENVIRONMENTAL DETERMINATION	Categorically exempt per CEQA guidelines, Section 15322 In-Fill Development Project		

COMMENTS RECEIVED:

City Building Official – Building permits required, if necessary. All construction must meet the 2016 building code.

City Public Works – Extensive comments on Grading & Hydrology, Utilities, Parcel Map; Comments on street improvements for Rob's Way, access agreement for shared driveway and maintenance agreement for any proposed landscaping within City ROW. (Copy of comments enclosed.)

Susanville Fire Department – Sprinklers required; Fire Hydrant required; Request for Use Permit condition that undeveloped portion of lot be maintained in good condition.

Caltrans – Caltrans verbally noted that there will likely be no need for a traffic study. They are communicating directly with applicant to satisfy Caltrans requirements.

Susanville Sanitary District – Engineered stamped plans required; Mainline extension of 10-15 feet will be needed to meet the property line on Main Street; Backflow preventer must be installed at the NE corner property line; Food facility required grease trap; carwash requires filter/trap.

PROJECT DESCRIPTION:
The project is a proposal to construct an Arco fueling station with 12 filling points on 6 dispensers with underground tanks, a 3,400 SF Arco am/pm convenience store, 2,080 SF of retail space and a drive-thru carwash in a C-2 (General Commercial/Shopping Center) zoning district. The property is currently in use as an industrial storage lot with some paving. The two existing structures will be demolished.

The existing parcel will be split to provide a 1.26 acre parcel for this project, leaving a 0.93 acre parcel to the south. Both parcels exceed the 10,000 SF minimum in the C-2 District. The project parcel will have 170 feet of frontage on Main Street and 150 feet of frontage on Rob's Way with the building facing Main Street. The proposed building will be located approximately 65 feet from the front property line, Main Street, 20 feet off the west/side, 20 feet off the east/side and 15 feet from the rear.

ANALYSIS:
The property is zoned General Commercial/Shopping Center District. The proposed service station requires this Use Permit and an Architectural and Site Plan Review. Caltrans regulates access from Main Street. The Lassen County Health Department regulates underground storage tanks. No comments have been received from the public at the time of this Report.

SITE DESIGN

The proposal requires this proposal to be evaluated against the City's adopted Design Guidelines. The proposed structure will be aluminum composite materials with a stucco exterior. The roof will be flat with a parapet. 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. The site has been previously developed as an industrial use. There are minimal natural features and the existing structures will be demolished.

All development proposals should consider existing site conditions and should be designed to be compatible with the surrounding neighborhood and visual environment. The surrounding neighborhood is a mix of commercial uses. The proposed design

appears to be compatible with the existing development in the area.

Natural features should be recognized and integrated into the site plan as much as possible. There are no significant natural features present on the site.

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. As the site was generally developed already, this is not applicable.

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. This is generally not applicable.

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.
This will be so as the facility will be centrally located to the rear of the property.

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. There is a significant buffer from this project to residential uses.

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. No natural drainage courses will be affected by the project nor will the drainage pattern be significantly affected.

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. The three aspects/uses of the structure are within one building facing Main Street with the fueling canopies to the front.

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. This development should blend into the existing development.

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. Landscaping will be added as required.

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. Pedestrian and bicycle circulation will be enhanced by the upgrades on Rob's Way. Caltrans will be responsible for traffic access from Main Street.

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. The proposed plan should minimize cut and fill. The roadway plan is already established.

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. The dumpster will be screened.

Access & Circulation: Access will be from Main Street and Rob's Way. Frontage improvements and a shared access agreement from Rob's Way should enhance circulation.

Property Lines & Setbacks: All existing and proposed structures will meet the setback requirements for the C-2 zoning.

Parking: Parking requirements will be met.

Landscaping & Buffering: This will be adequately accomplished with landscaping along the street sides.

Water Quality & Drainage: Grading layout and drainage plan shall be reviewed and approved by the Public Works Department prior to issuance of a building permit. The new structure and paving will increase the impervious surfacing of the site thereby increasing runoff. Storm water detention will be required to mitigate to construction peak flow runoff. Analysis shall comply with Caltrans standards.

Utilities: Utilities will be extended as needed to serve the new structure. These will be underground and will meet building/electrical code requirements as well as the extension of sewer lines.

General Plan: The City's General Plan Land use designation for the property is General Commercial/Shopping Center: This development is within those parameters.

RECOMMENDATION: Adoption of Resolution No. 19-1073, approving Architectural and Site Plan Review for U 18-006 for Sukhminder Singh on APN: 105-320-22 subject to the conditions listed in the attached Resolution.

ATTACHMENTS:

1. Resolution No. 19-1072
2. Resolution No. 19-1073
3. Parcel Map

RESOLUTION NO 19-1073

A RESOLUTION OF THE SUSANVILLE PLANNING COMMISSION APPROVING THE USE PERMIT AND ARCHITECTURAL DESIGN AND SITE PLAN REVIEW - APPLICATION NUMBER U 18-006 FILED BY SUKHMINDER SINGH FOR A SERVICE STATION WITH CAR WASH AND CONVENIENCE STORE

WHEREAS, Sukhminder Singh has submitted an application for a Use Permit and Architectural and Site Plan Review to construct an Arco fueling station with 12 filling points on 6 dispensers with underground tanks, a 3,400 SF Arco am/pm convenience store, 2.080 SF of retail space and a drive-thru carwash in a C-2 (General Commercial/Shopping Center) zoning district on that property known as Assessor's Parcel Number 105-320-22, located at 2650 Main Street; and

WHEREAS, the City of Susanville Planning Division has determined that the project is categorically exempt under Article 19, Section 15322 of the CEQA guidelines; and

WHEREAS, the Susanville Planning Commission at a duly noticed public hearing held during its regular meeting of June 25, 2019, considered both written and oral comments presented concerning the proposed architectural and site plan review; and

NOW, THEREFORE, BE IT RESOLVED the City of Susanville Planning Commission makes the following independent findings of fact concerning the proposed Use Permit and Architectural and Site Plan Review:

1. The proposed project is consistent with the General Plan and the Design Review Overlay District.

2. The architecture and general appearance of the proposed development and related improvements as conditioned will be in keeping with the character of the surrounding neighborhood.

3. That the establishment, maintenance, or operation of the subject use, building or facilities applied for will not, under the circumstances of the particular use and 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.

5. The proposed project is in the public interest providing support to critical infrastructure for city residents.

6. That the required public improvements are necessary for the public health, safety, welfare and orderly development of the area and are in accordance with adopted standards of the City of Susanville and other jurisdictions having control over development in this area.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves Use Permit U 18-006 and the Architectural and Site Plan Review application filed by Sukhminder Singh to allow the construction of a service station with associated facilities in general conformity with the site plan, floor plans and elevations stamped "CITY OF SUSANVILLE RECEIVED March 11, 2019, BUILDING & PLANNING" except as modified by the following terms, agreements and conditions contained in this Resolution:

AREA/ SITE SPECIFIC CONDITIONS

1. Provide plans showing the additional landscaping/trees to be installed.

2. Prior to construction developer must submit building colors and materials to the Building and Planning Division for final approval.

3. This permit will become null and void if the approved use has not begun within 24 months 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.

FEES & OTHER CHARGES

4. All standard mitigation fees and utility hookup fees apply to this project, unless waived or modified by individual providers.

STANDARD CONDITIONS

GENERAL

5. The requirements of all concerned governmental agencies having jurisdiction by law, including but not limited to the issuance of appropriate permits, shall be met.

6. For the purposes of assuring compliance, the applicant, agents, representatives or their assignees agree not to deny or impede access to the subject property by City employees in the performance of their duties.

7. All contractors and sub-contractors involved in the project shall obtain a City of Susanville Business License and maintain said license in force for the duration of the project.

8. The applicant/owner shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures, collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that developer shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the developer of any Action brought and City shall cooperate with developer in the defense of the Action.

IMPROVEMENT PLANS

9. Prior to the issuance of any building permits, improvement plans shall be submitted to and be approved by the City. All improvements shall be installed in accordance with said improvement plans prior to the issuance of a certificate of occupancy.

AIR QUALITY

10. All activities associated with a building site shall be conducted in a manner to control fugitive dust emissions through the use of dust palliative agents or the use of water to mitigate offsite impacts in accordance with Lassen County Air Quality District adopted regulations.

GENERAL UTILITIES

11. The owner/developer shall pay the cost for rearrangement, relocation, or removal of any utilities caused by any construction activity, whether inside or outside of the project where such work is a condition of or necessary to serve the project.

12. All new or relocated utility lines shall be placed underground and easements shall be provided if required.

WATER AND NATURAL GAS

13. The improvement plans for any water supply and natural gas supply shall be reviewed and approved by the City prior to the installation of the facilities. Water supply main lines, meters, appurtenant facilities, and service connections to the site shall be installed in accordance with the construction and testing standards of the City of Susanville.

14. All natural gas mains and service lines and appurtenances for the proposed project will be installed by the City of Susanville or its qualified contractor at the expense of the developer and to City construction standards.

15. The developer shall pay all inspection, capital improvement and facilities fees, connection and other capacity charges or fees as established by the City for the water supply and natural gas.

ELECTRIC

16. Contact Lassen Municipal Utility District before construction or before any electrical design is started for the project and complies with LMUD standards and specifications. All utility lines shall be placed underground.

SEWER

17. Owner/developer shall comply with all Susanville Sanitary District requirements.

FIRE

18. The project shall meet the fire and life safety requirements of the State Fire Marshall's Office.

LANDSCAPING

19. Prior to issuance of a building permit, irrigation and landscaping plan (including the species, size and placement of trees and shrubs) shall be submitted to the Community Development Department for approval. Trees and shrubs required by code shall be a minimum 1 ½" caliper and 75% of the shrubs shall be a minimum of 5 gallon size, 25% may be 2 gallon containers. Size of additional plantings not required by code may be alternate sizes. The landscape and irrigation improvements identified in the approved construction plans shall be installed prior to the issuance of a Certificate of Occupancy unless otherwise provided for. All landscaping shall be maintained in a healthy and growing condition. Landscaping in the City Right-of-Way will require a maintenance agreement.

LIGHTING

20. For any new lighting, a plan shall be submitted that shows the location, height, type and spread of exterior lighting on the site. All lighting shall be downward directional and include full cut-off fixtures to protect the Susanville night sky and adjacent parcels from unsightly glare. New on-site lighting shall conform to Section 17.96.050 of the City of Susanville Municipal Code.

APPROVED: _____
Linda Robinette, Chairperson
Planning Commission
City of Susanville, State of California

ATTEST: _____
Gwenna MacDonald, City Clerk
Secretary to the Planning Commission

The foregoing resolution was introduced and adopted at a regular meeting of the Susanville Planning Commission held on the 25th day of June, 2019, by the following vote:

AYES:	Foster, Westbrook, Dowdy, Jambois and Robinette
NOES:	None
ABSENT:	None
ABSTAIN:	None

_____
Gwenna MacDonald, City Clerk
Secretary to the Planning Commission

_____
Jessica Ryan, City Attorney

City of Susanville

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

June 26, 2019

Charles Nattland
1450 Harbor Blvd., Ste A
West Sacramento 95691

RE: File AR 18-006
Assesors's Parcel Number: 105-320-22

Dear Mr. Nattland:

At the June 25, 2019, meeting of the Planning Commission, the above referenced application was approved. Enclosed is a copy of the Resolution No. 19-1072 and 19-1073, which contains the Planning Commission's findings for approval.

If you have any questions or concerns, please contact staff at (530) 252-5118

Sincerely,

Marlin Johnson
City Planner

Kevin Stafford
Mayor
Joseph Franco
Mayor pro tem

Councilmembers:
Brian Moore
Mendy Schuster
Brian Wilson

AGENDA ITEM NO. 5.A
Discussion Item

SUSANVILLE PLANNING COMMISSION AGENDA ITEM

Submitted By:	Kelly Mumper, Building & Planning Division
Action Date:	August 23, 2022
SUBJECT:	Presentation for Commissioners regarding the California Environmental Quality Act (CEQA), Zoning, General Plan Designations, and overview of Commissioner Roles and Responsibilities.
PRESENTED BY:	Kelly Mumper, City Planner
SUMMARY:	
FISCAL IMPACT:	None.
ACTION REQUESTED:	No Action Required. Informational Item.
ATTACHMENTS:	