

(ACT) - ACTION NEEDED
(INF) INFORMATION ONLY
(DIS) – DISCRETIONARY
(DISC)-DISCUSSION

**REGULAR MEETING OF THE
PLANNING COMMISSION OF THE CITY OF NEEDLES
WEDNESDAY, MARCH 16, 2022 @ 4:00 P.M.
CITY COUNCIL CHAMBERS - 1111 BAILEY AVENUE, NEEDLES**

A G E N D A

AUTHORIZED BY AB 361

**THE PLANNING COMMISSIONERS MAY BE ATTENDING THIS MEETING VIA
*** MICROSOFT TEAMS *****

**THE PUBLIC MAY ALSO ATTEND VIA TEAMS AND MAY SUBMIT ANY COMMENTS IN
WRITING PRIOR TO NOON ON THE DAY OF THE MEETING BY EMAILING
pmartinez@cityofneedles.com**

**TO JOIN THE LIVE TEAMS MEETING log into the City of Needles website at
www.cityofneedles.com to access the agenda and [Click here to join the meeting](#)**

If asked, enter the following: Meeting ID: 473189453#

OR listen in and participate by calling Teams: 1-323-488-2227 - Meeting ID: 473 189 453

The meetings are being recorded.

THE PUBLIC MAY ATTEND – MASKS ARE ENCOURAGED AND DESIGNATED SEATING

CALL TO ORDER
ROLL CALL
PLEDGE OF ALLEGIANCE
APPROVAL OF AGENDA
CONFLICT OF INTEREST
CORRESPONDENCE
INTRODUCTIONS

As a courtesy to those in attendance, we would ask that cell phones be turned off or set in their silent mode. Thank you.

PUBLIC APPEARANCE - Persons wishing to address the Commissioners on subjects other than those scheduled are requested to do so at this time. When addressing the Commissioners, please come to the podium and give your name and address for the record. In order to conduct a timely meeting, a three-minute time limit per person has been established by Municipal Code Section 2-18. Amendments to California Government Code Sec. 54950 prohibit the Commission from taking action on a specific item until it appears on the agenda.

PUBLIC HEARINGS

- 1) An application from property owner Gene Ocul, 2008 Rio Vista, Needles CA 92363 also known as APN 0185-254-07-0000 for a Special Use Permit of a 12.8 KW roof mounted photovoltaic solar project comprised of 32 panels:
 - Staff Report
 - Commission questions of staff
 - Chairperson to open the public hearing
 - Public comment
 - Chairperson to close the public hearing
 - Commission discussion/deliberation
 - Approve the Findings of Facts

Resolution No. 03-16-2022 PC approving a Special Use Permit of a 12.8 KW roof mounted photovoltaic solar project comprised of 32 panels located at 2008 Rio Vista, Needles CA 92363 also known as APN 0185-254-07-0000: (ACT)

- 2) Application from Mr. Curtis Devine for a Conditional Use Permit of a Cannabis retail business, located at 1409 Needles Highway, Needles, CA 92363, and 113 Needles Highway, in the C-2 General Commercial Zone, also known as APN 0185-066-19-0000 and 0185-066-23-0000 **has been pulled by applicant.**

BOARD REQUESTS

CITY MANAGER REPORT

ADJOURNMENT

INTERNET ACCESS TO PLANNING COMMISSION AGENDAS AND STAFF REPORT MATERIAL IS AVAILABLE PRIOR TO PLANNING COMMISSION MEETINGS AT

<http://www.cityofneedles.com>

Posted: March 11, 2022

SB 343 - DOCUMENTS RELATED TO OPEN SESSION AGENDAS - Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to a meeting is available for public inspection at the Needles Administrative Office, 817 Third Street, Needles, CA 92363.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Patrick Martinez, Assistant City Manager, at (760) 326-2113 ext 126. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-104 ADA Title II)

If a decision is made at this hearing and you later disagree with the decision, only issues raised at the public hearing or in written form at or before the public hearing can be considered.

/s/ Patrick Martinez, Development Services



City of Needles, California Request for City Council Action

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PLANNING COMMISSION Regular Special

Meeting Date: March 16, 2022

Title: Planning Commission Resolution No. 03-16-2022 PC
A Resolution of the Planning Commission of the City of Needles
Approving a Special Use Permit to allow for the rooftop installation of
a 12.8-kilowatt solar array located at 2008 Rio Vista Needles, CA in the
R-2 (Two Family Residential) Zone, also known as APN 0185-254-07-0000.

Background: An application for the proposed rooftop installation of a 12.8-kilowatt solar
array system at the residence of 2008 Rio Vista (Exhibit A, *Site Location*) and was received
from property owner, Gene R. Ocoll.

In accordance with Section 24.20 of Needles City Code (Renewable Energy Project), the City
requires that a proposed solar array installation in exceedance of 10 kilowatts of electricity
generated to be subject to a Special Use Permit and to be reviewed by the Planning
Commission.

As shown in Exhibit B, the proposed site is a single-family residential dwelling unit with a car
port and would involve the rooftop installation of approximately 32 solar array panels on multiple
roof-angled planes of the residence.

Staff supports the approval of this project as it will not degrade, obstruct or impair the aesthetic
quality of the surrounding neighborhood and will be in compliance in accordance with Section
24.20 of Needles City Code.

Special Use Permit Findings.

In accordance with Section 94.07, the Planning Commission must make the following findings
for approval of a special use permit:

1. The requested permit is within its jurisdiction according to the table of permissible uses
2. The application is complete.
3. The use will not materially endanger the public health or safety.
4. The use will not substantially injure the value of adjoining or abutting properties
5. The use will be in harmony with the area in which it is to be located.
6. The development is in general conformity with the Needles General Plan.

Public Notification: A public hearing notice was published in the Needles Desert Star on
Wednesday, February 23, 2022, and posted in two conspicuous locations. Notices were sent to
property owners within 300' of the proposed project.

Recommendation: Approve PC Resolution 03-02-2022 PC Approving a Special Use Permit
to allow for the rooftop installation of a 12.8-kilowatt solar array located at 2008 Rio Vista
Needles, CA in the R-2 (Two Family Residential) Zone, also known as APN 0185-254-07-0000.

Submitted By: Patrick Martinez, Assistant City Manager/Development Services

City Management Review: _____ **Date:** _____

Agenda Item # _____

PC RESOLUTION 03-16-2022 PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEEDLES APPROVING A SPECIAL USE PERMIT TO ALLOW FOR THE ROOFTOP INSTALLATION OF A 12.8-KILOWATT SOLAR ARRAY LOCATED AT 2008 RIO VISTA NEEDLES, CA. IN THE R-2 (TWO FAMILY RESIDENTIAL) ZONE, ALSO KNOWN AS APN 0185-254-07-0000

WHEREAS, applicant Gene Ocoll, submitted an application requesting approval of a Special Use Permit for the proposed installation of a 12.8-kilowatt solar array system at the residence of 2008 Rio Vista, in the R-2 (Two Family Residential) zoning district; and

WHEREAS, Section 24.20 (Renewable Energy Project) of the Needles City Code allows for solar array panel installation in the R-2 zone, subject to the approval of a special use permit for residential use; and

WHEREAS, Section 94.07 of the Needles City Code specifies the criteria by which a special use permit may be granted by the Planning Commission; and

WHEREAS, a public hearing notice for the March 16, 2022 Planning Commission meeting was published in the Needles Desert Star on February 23, 2022, at least 10 days prior to said meeting, and notices were sent to property owners within a 300-foot radius of the subject property specifying the date, time and location of the public hearing; and

WHEREAS, on March 16, 2022, the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to the Special Use Permit; and

WHEREAS, the Needles Planning Commission has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination.

SECTION 1. The Planning Commission HEREBY FINDS AND DETERMINES that this project is categorically exempt under the California Environmental Quality Act (CEQA) under Section 15301 (a) as a Class 1 project consisting of Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

SECTION 2. The Planning Commission HEREBY FINDS AND DETERMINES, with reports and findings, that facts do exist to approve Resolution 03-02-2022 PC, subject to conditions, according to the criteria specified in Section 94.07 of the Needles City Code:

- A. *That the requested permit is within its jurisdiction according to the table of permissible uses.*

FINDING: According to Section 24.20 (Renewable Energy Project), solar array paneling for single dwelling unit residences is allowed for personal use in the R-2 (Two Family Residential) zoning district subject to the approval of a Special Use Permit by the Planning Commission.

- B. *The application is complete.*

FINDING: A dimensioned site plan, application and fees were submitted to the city to demonstrate the project meets the criteria of the Needles Code.

C. *The development is in general conformity with the Needles General Plan.*

FINDING: The General Plan designation is "Residential Medium Density" and is consistent with the goals and objectives of the General Plan.

D. *The development is in harmony with the area in which it is located.*

FINDING: The proposed solar array will have paneling to be installed flush with the roofing of the home and will not obstruct views from neighboring residences or from the public right-of-way.

E. *The development will not materially endanger the public health or safety.*

FINDING: The properties abutting the subject site are residential. Based on the Needles City Code the proposed building provides the required setbacks and is within the overall height allowed in the Code. Additionally, the project is required to have engineered drawings and building permits which will ensure that health and safety requirements are satisfied per the International Building Code. Therefore, the proposed project will not endanger the life or property in the surrounding area.

F. *The development will not substantially injure the value of adjoining or abutting properties.*

FINDING: Conditions of approval have been included to ensure that the proposed solar array panels are kept clean and clear of accumulated debris, sand and dust. The project will not degrade, obstruct or impair the aesthetic quality of the surrounding neighborhood.

SECTION 3. The Planning Commission HEREBY APPROVES Resolution 03-02-2022 PC for a Special Use Permit subject to conditions, to allow for the installation of a 12.8-kilowatt solar array in the R-2 (Two Family Residential) Zoning District at 2008 Rio Vista, also known as APN 0185-254-07-0000.

SECTION 4. This action shall become final and effective fifteen (15) days after this decision by the Planning Commission, unless within such period, a written appeal is filed with the City Clerk for consideration by the City Council as provided by the Needles City Code.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Needles, California, approves a Special Use Permit for the rooftop installation of a 12.8 kilowatt solar array system located at 2008 Rio Vista Needles, CA in the R-2 (Two Family Residential) Zone, also known as APN 0185-254-07, with the conditions stated herein below:

1. The site shall be developed and maintained in substantial accordance with the development plans, stamped Exhibit "B".
2. The applicant shall comply with all Federal, State and local laws relative to the approved use including the requirements of the Planning Department, Building, Fire, Sheriff and Health Departments.

3. Approval of a Special Use Permit shall not waive compliance with all sections of the Zoning Ordinance, all other applicable City ordinances and regulations, in effect at the time of building permit issuance.
4. The applicant shall maintain the 32 solar array panels in proper working order and shall be clean and kept clear of dust, sand and vegetative debris accumulation.
5. Violation of the conditions of approval may result in citation and/or initiation of revocation proceedings.
6. Any revisions to the approved plans must be resubmitted for review and approval by the Planning Department.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Needles, California, held on the 16th day of March, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda Kidd, Chairperson
Chair Needles Planning Commission

Patrick Martinez
Assistant City Manager
/Development Services

CITY OF NEEDLES, CALIFORNIA
Application For Use Permit

Name of Applicant: Mikhail Brekhan Phone: 3236038239 (Applicant must be the owner of the land, the lessee having a lease-hold interest of not less than 5 years, or the agent of any of the foregoing duly authorized in writing)

I, (I/We) the undersigned, Mikhail Brekhan (Owner/Lessee Agent) of the property listed below, hereby request that the following stated use be permitted to be constructed and/or operated.

1. Project name and address: 2008 Rio Vista Needles CA 92363

2. Legal Description of Parcel (attach if necessary): Single Family Dwelling

3. Briefly Describe: a. Purpose and Intent of proposed project (include acres, square feet, units, etc.).
Install 12.8 kW roof mount solar system include 32x40W module & 52x aluminum racks to cover full customer usage upgrade main service panel

b. Population projection (project residents): N/A

c. Number of persons employed during operation: full time 3 part time 2

d. Will the Project require new utility services? no yes no

i. Water Service no. If so, estimated peak water demand in gallons/minutes: _____, service requirement.

ii. Sewer Service no. Any chemical wastes expelled in sewers? _____
If yes, explain: _____

iii. Electric Service: main size 200A; single phase ; three phase _____.
Attachment to existing electric facilities: load calculations _____.

e. Estimated daily vehicular traffic generated by the operation: Very low Comment: expect 2 mid size trucks

f. List major machines – give horsepower and noise rating in decibels: N/A

g. Will the project require a permit from the Air Pollution Control District, and if so, describe: N/A

h. What will be the hours of operation: 8am - 4pm

i. Describe materials or machinery that will be stored or parked outside: N/A

4. Attached () : Site Plan ; Elevations () ; Filing Fee () ; Legal () ; (site plans folded 8 1/2" x 11" reduction)

AUTHORIZATION

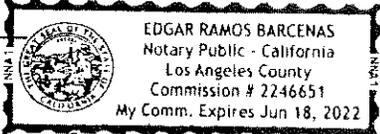
Names and signatures of all persons having an interest in the property whose consent is required (by virtue of such interest) to authorize filing of application.

Name (print or type)	Address	Capacity Owner/Lessee
1. <u>Gene R. O'Call</u>	<u>2008 RIO VISTA Marbles CA X</u>	
Signature <u>[Signature]</u>		
2. _____		
Signature _____		
3. _____		
Signature _____		

All signatures represent that they have full legal capacity to, and hereby do, authorize the filing of this application. Leaseholds must be for at least five years or the owner shall be required to sign this application.

Subscribed and sworn before me this 20th day of January, 2022.
June 18, 2022 S: [Signature]
My Commission Expires: _____

Notary Public (or City Staff)



CERTIFICATION

I certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge and that I am to file this application and act on behalf of the signatories of the above authorization.

Name (print): Mikhail Brekman Signature: [Signature]
Address: 6519 Morse ave N Hollywood CA 91605 Telephone: 323-603-8239
Capacity: _____ owner: _____ lessee: _____ agent of contractor

Person(s) to be contacted regarding this application if other than myself:

Address: _____

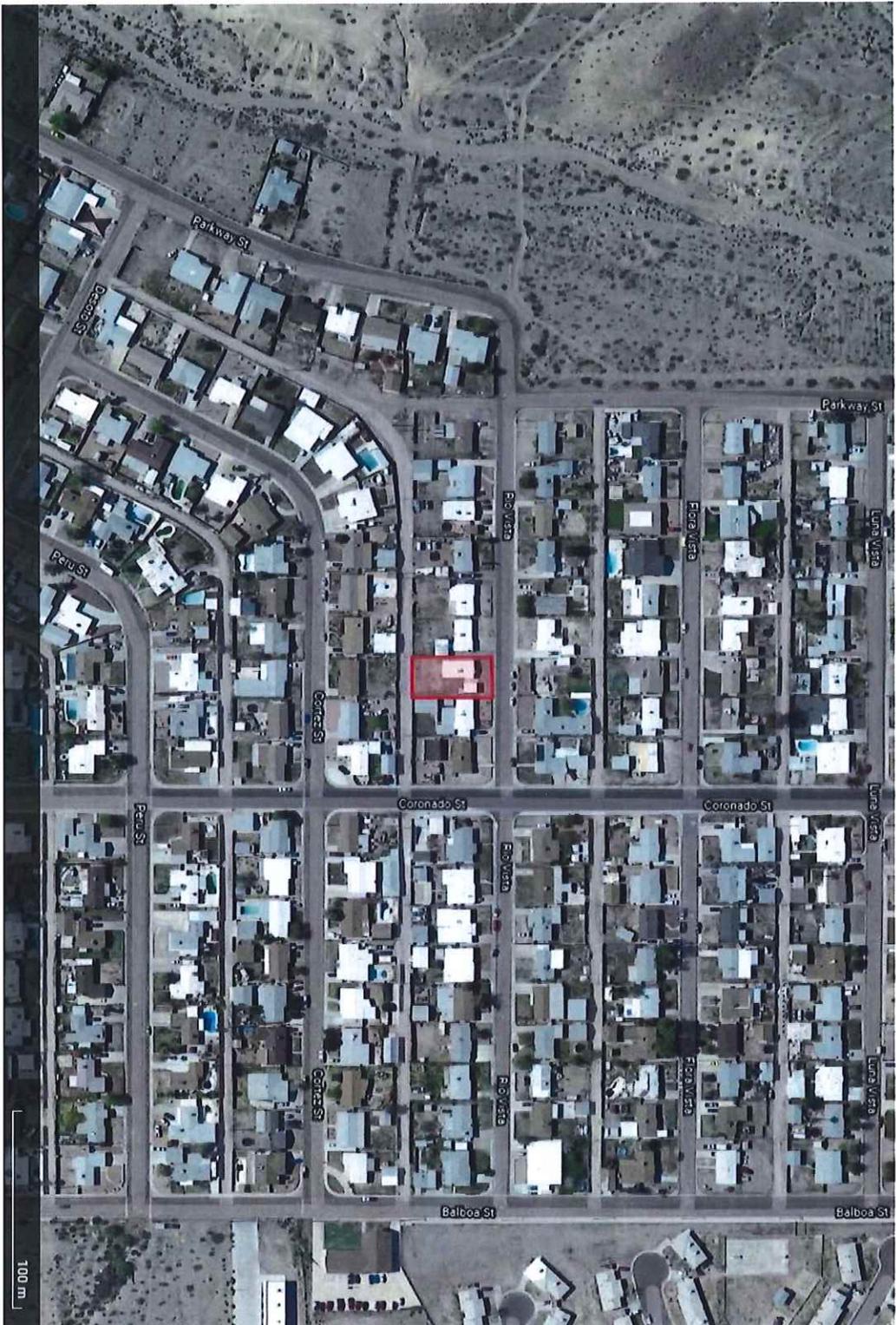
Address: _____

(STAFF USE ONLY)

Date filed _____ Rec'd by _____ Receipt No. _____



ATTACHMENT A: Project Site
APPLICANT: Mikail Brekhman
SITE ADDRESS: 2008 Rio Vista



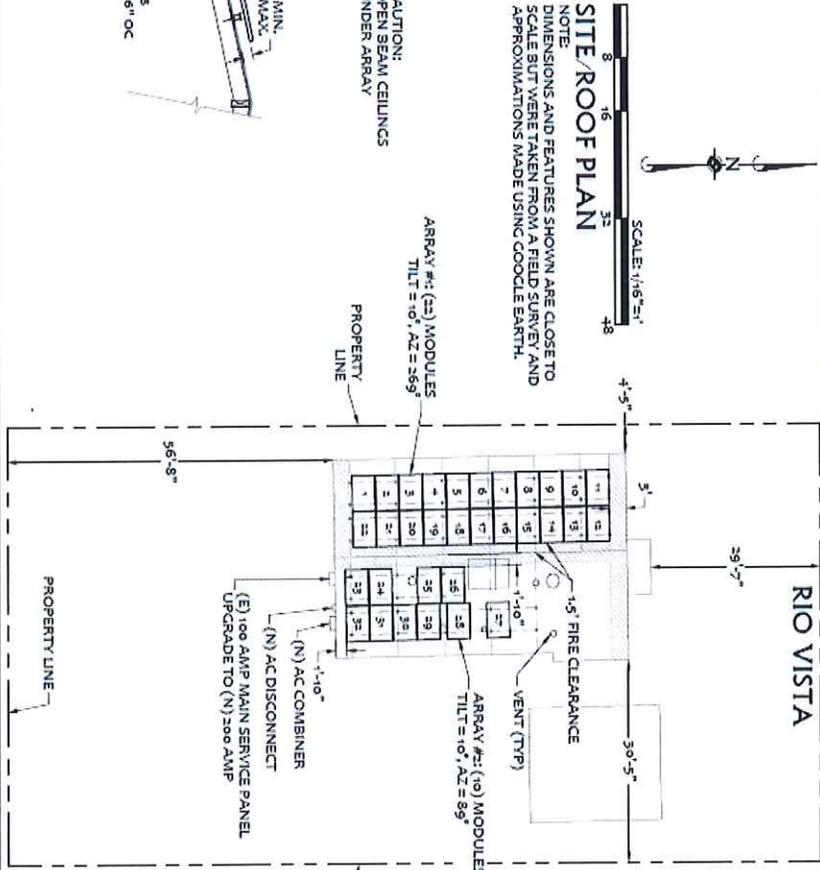
HOMEOWNER: GENE OGULL
 PH: 909-483-9696
 ADDRESS: 2008 RIO VISTA
 NEEDLES, CA 92363

www.LoydWMartin.com
 Solar Structures Engineering
 #2022-213 Structural Only

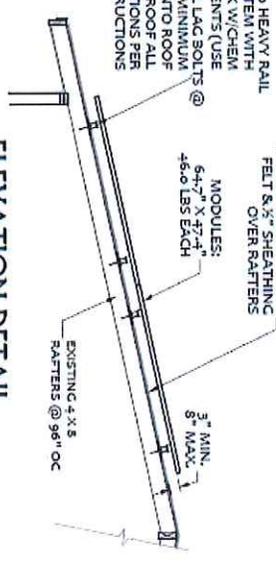


SITE ROOF PLAN

NOTE: DIMENSIONS AND FEATURES SHOWN ARE CLOSE TO SCALE BUT WERE TAKEN FROM A FIELD SURVEY AND APPROXIMATIONS MADE USING GOOGLE EARTH.



ELEVATION DETAIL
NTS



NOTICE
 ANY CHANGES TO OR USES OF THESE DOCUMENTS, DRAWINGS WITHOUT THE WRITTEN CONSENT OF JENNIFER KEMME OR SCOTT KARRIS ARE STRICTLY PROHIBITED.

SCOPE OF WORK:
 INSTALL (35) SOLARIA POWER XT-400R-PH SOLAR ELECTRIC MODULES AND (3) ENPHASE IQ7PLUS-7-2-US MICROINVERTERS ON THE EXISTING 1ST STORY ROLLED COMPOSITION ROOF. INSTALL ASSOCIATED MOUNTING HARDWARE, JUNCTION BOXES, CONDUIT, CONDUCTORS AND GROUNDING. INSTALL (1) ENPHASE AC COMBINER, (1) AC DISCONNECT, AND INSTALL OCPD IN MAIN SERVICE PANEL. UPGRADE MAIN SERVICE PANEL TO 200 AMPS.

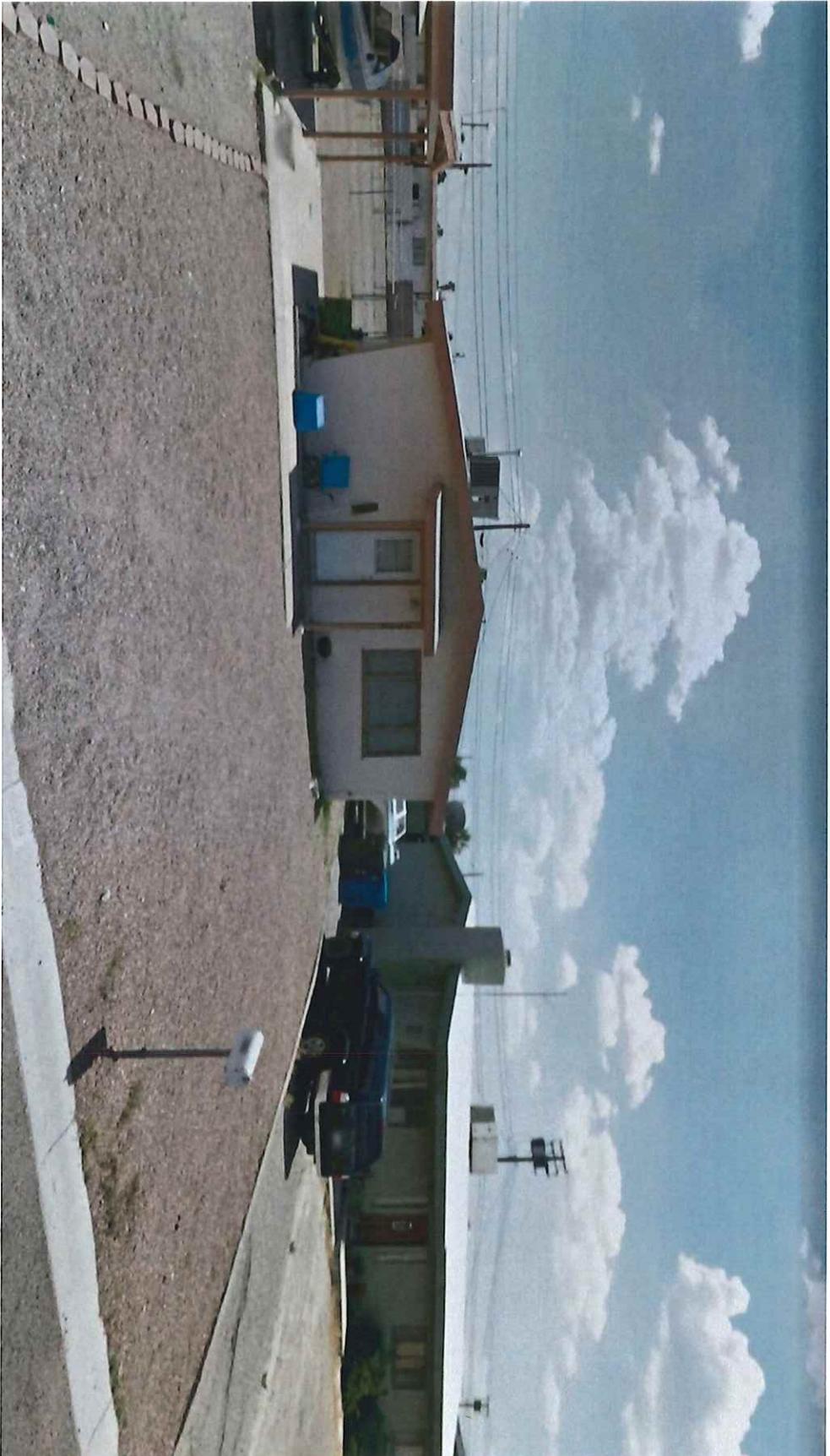
MODULES:
 54.7" X 47.4" 46.0 LBS EACH
 3" MIN. 8" MAX.
 EXISTING 4 X 8 FRAFTERS @ 96" OC

J. Kemme
 DANIL DYACHKOV CIO - 102-4289
 DATE: 9/9/21

PLANS PREPARED BY:
 JENNIFER KEMME
 PH: 909-748-300
SHEET 2 OF 4



ATTACHMENT B: Site Plan
APPLICANT: Mikail Brekhaman
SITE ADDRESS: 2008 Rio Vista



ATTACHMENT C: Site Photo
APPLICANT: Mikail Brekhman
SITE ADDRESS: 2008 Rio Vista



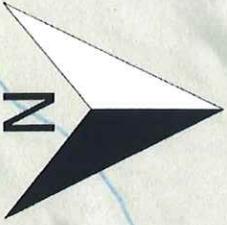
City of Needles Planning Commission

Resolution No. 03-16-2022 PC
2008 Rio Vista
March 16, 2022

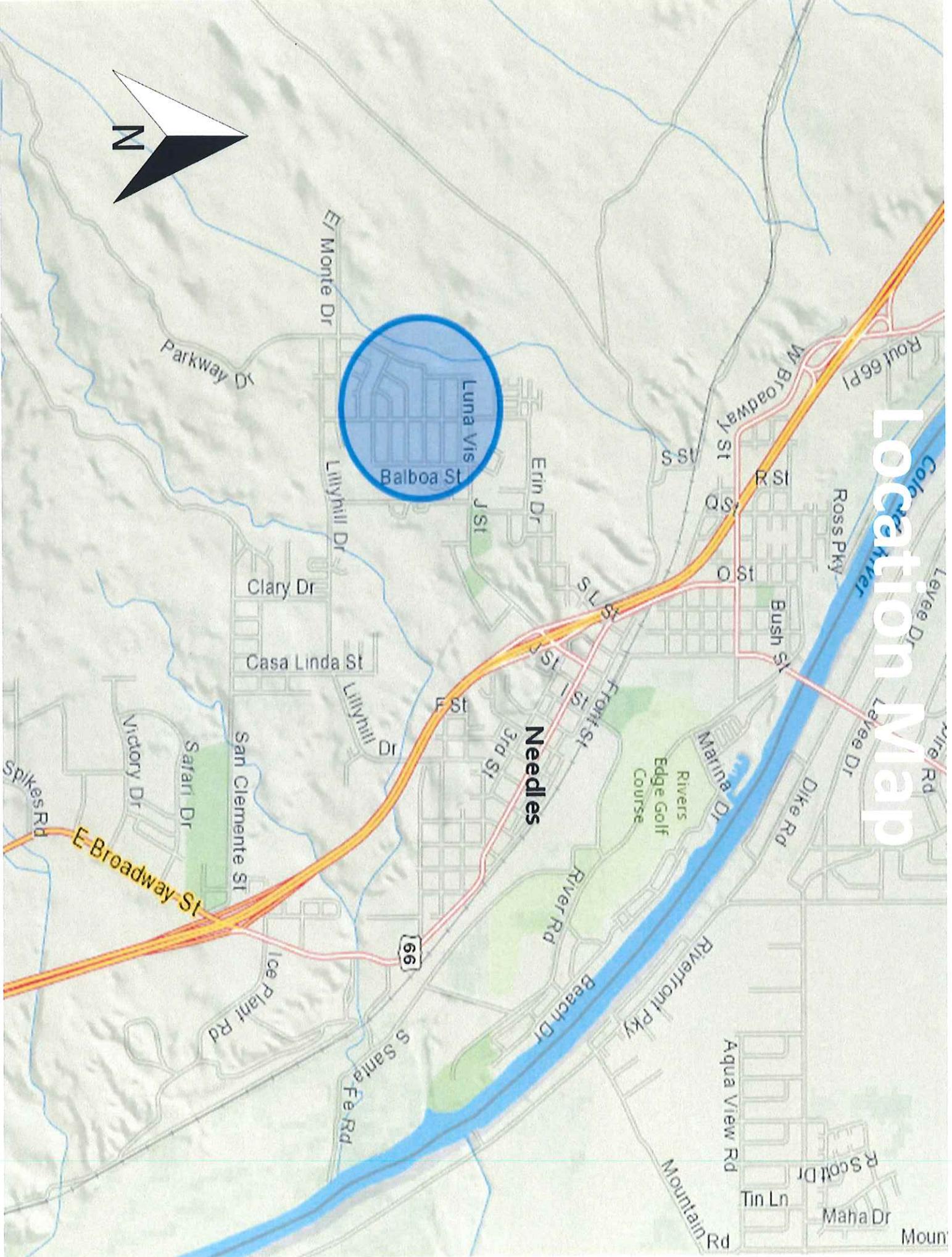


Resolution No. 03-16-2022 PC

A Resolution of the of the Planning Commission of the City of Needles Recommending Approving a Special Use Permit to allow for the rooftop installation of a 12.8-kilowatt solar array located at 2008 Rio Vista Needles, CA in the R-2 (Two Family Residential) Zone, also known as APN 0185-254-07-0000.



Location Map



Vicinity Map



Aerial Map





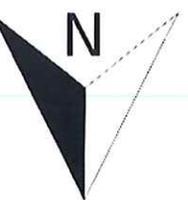
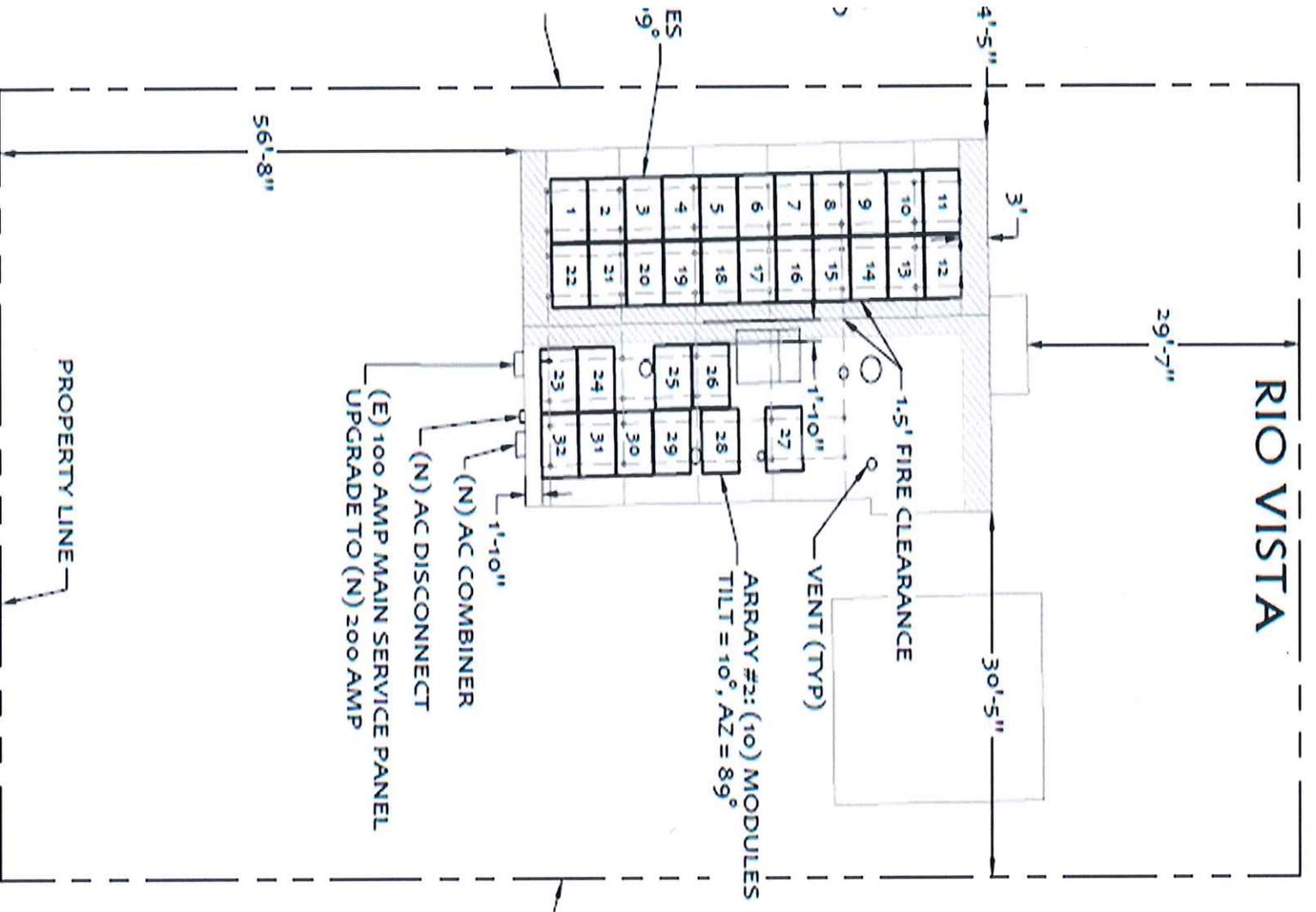
Background

- Applicant is applying for a Special Use Permit for a 12.8-kilowatt solar array at the residence of 2008 Rio Vista.
- The proposed site is a single-family residential dwelling unit with a carport and would involve the rooftop installation of approximately 32 solar array panels on multiple roof-angled planes.
- The project site is located within the R-2 (Two Family Residential) Zone.
- The Needles Municipal Code Section 24.20 (Renewable Energy Project), solar array paneling for single family dwelling unit residences is allowed for personal use in the R-2 (Two Family Residential) zoning district subject to the approval of a Special Use Permit).



RIO VISTA

Site Plan





Equipment

CAUTION:
OPEN BEAM CEILINGS
UNDER ARRAY

IRONRIDGE XR1000 HEAVY RAIL
MOUNTING SYSTEM WITH
PROSOLAR FASTJACK W/CHEM

CURB ROOF ATTACHMENTS (USE

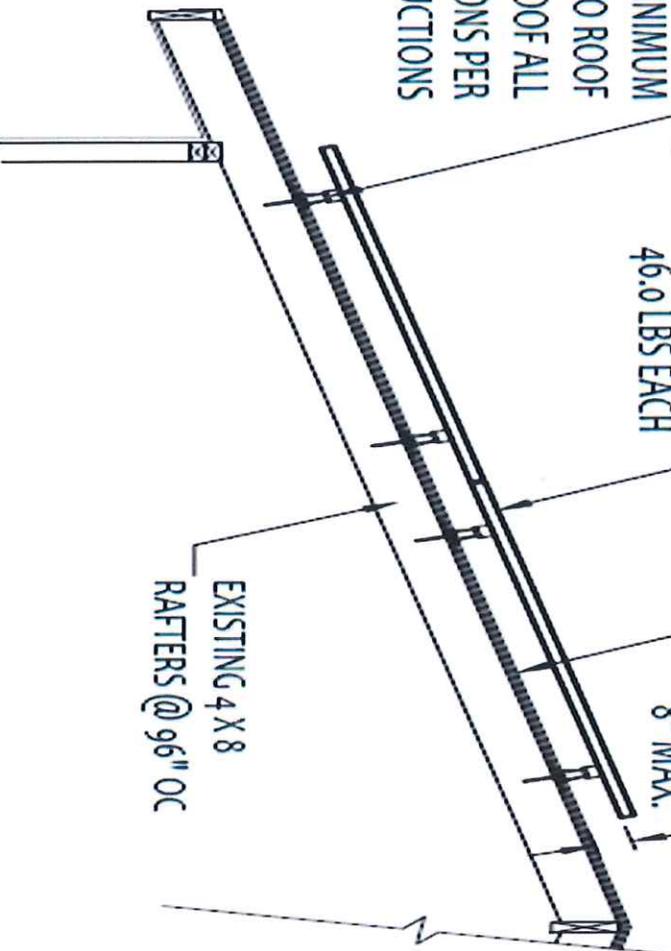
5/16" X 3.5" STAINLESS STEEL LAG BOLTS @
96" OC OR LESS WITH A MINIMUM
EMBEDMENT OF 2 1/2" INTO ROOF
RAFTERS), WATERPROOF ALL
CONNECTION LOCATIONS PER
MANUFACTURER'S INSTRUCTIONS

EXISTING 1-STORY ROOF:
ROLLED COMPOSITION,
FELT & 1/2" SHEATHING
OVER RAFTERS

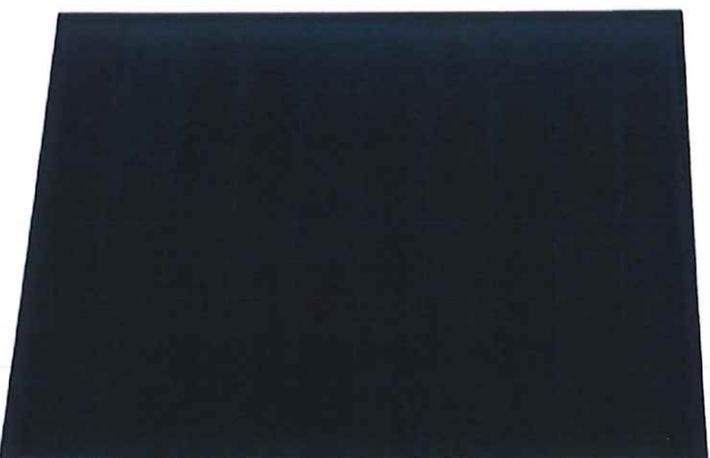
MODULES:
64.7" X 47.4"
46.0 LBS EACH

3" MIN.
8" MAX.

EXISTING 4 X 8
RAFTERS @ 96" OC



ELEVATION DETAIL





Site Photo





Rec. Guidelines

Findings for a Special Use Permit (In accordance with Section

94.07 (d) of the Needles Municipal Code):

1. That the requested permit is within its jurisdiction according to the table of permissible uses.
2. The application is complete.
3. The development is in general conformity with the General Plan
4. The development is in harmony with the area in which it is located.
5. The development will not materially endanger the public health or safety.
6. The development will not substantially injure the value of adjoining or abutting property.
7. That the project overall is consistent with the preceding findings.



Finding 3

The development is in general conformity with the Needles General Plan.

FINDING: The General Plan designation is “Residential Medium Density” and is consistent with the goals and objectives of the General Plan.



Finding 4

The development is in harmony with the area in which it is located.

FINDING: The proposed solar array will have paneling to be installed flush with the roofing of the home and will not obstruct views from neighboring residences or from the public right-of-way.



Finding 5

The development will not materially endanger the public health or safety.

FINDING: The properties abutting the subject site are residential. Based on the Needles City Code the proposed building provides the required setbacks and is within the overall height allowed in the Code. Additionally, the project is required to have engineered drawings and building permits which will ensure that health and safety requirements are satisfied per the International Building Code. Therefore, the proposed project will not endanger the life or property in the surrounding area.



Finding 6

The development will not substantially injure the value of adjoining or abutting properties.

FINDING: Conditions of approval have been included to ensure that the proposed solar array panels are kept clean and clear of accumulated debris, sand and dust. The project will not degrade, obstruct or impair the aesthetic quality of the surrounding neighborhood.



Conditions of Approval:

- Project is required to have a building permits.
- Comply with all Federal, State, and local laws relative to the Planning, Building, Fire, Sheriff and Health Departments
- The site shall be maintained in a clean and safe state.



Recommended Action:

Approve Resolution No. 03-16-2022 PC, Approving a Special Use Permit to allow for the rooftop installation of a 12.8-kilowatt solar array located at 2008 Rio Vista Needles, CA in the R-2 (Two Family Residential) Zone, also known as APN 0185-254-07-0000.